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THE
SOLICITORS' JOURNAL

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CURRENT TOPICS

Protection of the Public

DISCUSSIONS on punitive methods for criminals are always complicated by the fact that punishment has more than one object to achieve. Not only should it contain an element of retribution for the offender but it should also act as a warning and deterrent to potential similar offenders. Another feature is that where necessary such a form of punishment must be imposed as will adequately protect the public from the risks run by permitting the criminal concerned to be at large relatively soon after his conviction. This last element is well illustrated in the case of *R.* v. *Higginbotham*, which we report this week at p. 726. The appellant in that case was charged with garage-breaking and taking a motor vehicle without consent in December, 1960. In view of his long record of previous convictions, and of the medical evidence available, he was sent to a mental hospital. There the psychiatrist decided that his mental state did not require his detention in hospital and he was allowed to work and move freely in the hospital grounds. Last May he walked out from the hospital and took a car, which he completely wrecked by driving dangerously and colliding with a bus. In June he pleaded guilty before the same court and was sentenced to twelve months' imprisonment for taking the car and to eight years' preventive detention for driving dangerously. In dismissing his appeal on 15th August, the Court of Criminal Appeal remarked that, though the appellant's bad record of crime had not previously included the offence of dangerous driving, he had amply shown that the public were not safe from his crimes and preventive detention was an appropriate sentence in this case. The appellant apparently thought that it was being awarded for his past crimes since the maximum sentences for the two offences to which he had pleaded guilty would have been three years. The court explained that, although there was an element of punishment in a sentence of preventive detention, such sentences were normally longer than periods of imprisonment appropriate as punishment, the excess being imposed not to punish the offender but to protect the public. Although this observation may reassure the public, it is unlikely to give much comfort to those serving sentences of preventive detention.

Right Extinguished

WE have previously drawn attention to the effect of reg. 12 of the National Insurance (Claims and Payments) Regulations, 1948 (S.I. 1948 No. 1041), which provides that the right to any sum payable by way of benefit, except death grant, must be extinguished where payment is not obtained

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within six months from the date on which that sum is receivable. The latest example of the working of that provision is shown in Commissioner's Decision No. R (P) 6/61. In that case the claimant's deceased wife was awarded retirement pension from 7th July, 1958, and was supplied with an order book containing pension orders payable weekly from that date. She did not encash any of the orders and after her death on 5th August, 1959, the uncashed order book was found among her effects. The claimant applied for payment of the arrears on 16th September, 1959, explaining that the reason for not encashing the orders was that the local national insurance office had advised that his wife was not entitled to draw her pension until he became entitled to his retirement pension at a later date. In this case the Commissioner pointed out that reg. 12 does not allow the period of six months to be extended at his discretion. Accordingly, even assuming that the failure to cash the orders was due to erroneous advice, he could not on that account hold that the right to the sums in question was not extinguished. He held, therefore, that the right to payment of the orders up to 2nd February, 1959, was extinguished, later orders being saved by reg. 18 of the same regulations, which provides that any sum payable by way of benefit to a deceased person and not obtained at the date of his death may, unless the right thereto was then already extinguished, be paid to the deceased's representative duly claiming. (This regulation had been overlooked by the local insurance officer and local tribunal originally concerned with the claim.) It is regrettable that the Ministry of Pensions and National Insurance has still not seen fit to introduce a procedure for sanctioning payment of out-of-date orders and to amend the regulations appropriately. As they stand at present they are likely to penalise the more ignorant or less persevering of insured persons, who probably can least afford to forfeit benefit entitlement.

Stealing and Destroying Wills

THERE are several offences that may be committed in relation to wills and in a recent case at Birmingham Magistrates' Court a woman was sent for trial on a charge of stealing a will and destroying it for a fraudulent purpose. At one time these two offences were dealt with under the same statutory provision (s. 29 of the Larceny Act, 1861), but it is now s. 6 of the Larceny Act, 1916, which provides that every person who steals any will is guilty of a felony. The destruction of a will, for any fraudulent purpose, is still an offence within s. 29 of the Act of 1861 and in the case of both offences no person is liable to be convicted upon any evidence whatever in respect of any act done by him, if at any time previously to his being charged with such offence he has first disclosed such an act on oath, in consequence of any compulsory process of any court of law or equity in any action, suit or proceeding which has been bona fide instituted by any person aggrieved: s. 29 of the Act of 1861 and s. 43 (2) of the Act of 1916. If a person seeks to take advantage of these exemptions from liability the question may arise as to whether the disclosure was made "in consequence of any compulsory process of any court of law." It has been held that where an executor and trustee is committed for contempt of court and, while still in prison, swears an affidavit apologising to the court and disclosing the offence, such a disclosure is made in consequence of compulsory process of a court of law: *R.* v. *Maywhort* [1955] 1 W.L.R. 848. However, when an act done by a person is first disclosed by him without making any objection during cross-examination in a civil action, it is not disclosed by him "in consequence of any compulsory process" of a court of law and he is liable to be convicted of an offence in respect of the act so disclosed: *R.* v. *Noel* [1914] 3 K.B. 848.

Life Imprisonment

IN recent times there has been much criticism of the fact that persons sentenced to life imprisonment have been detained for an average period of about nine years, and towards the end of the last session of Parliament some Conservative backbenchers launched a campaign for legislation to ensure that murderers sentenced to life imprisonment should be kept in prison for not less than twenty-five years, unless a court in its discretion should order otherwise. It would seem that the Government are not likely to accept this proposal and in a letter to Mr. EDWARD GARDINER, Q.C. (see *The Times*, 7th July), the HOME SECRETARY stressed that "no prisoner serving a life sentence is released unless the Home Secretary is satisfied that there is unlikely to be a risk of his repeating his offence or being a danger to the public . . . In an extreme case it may be necessary to detain a prisoner until he dies." The nature of a sentence of life imprisonment was explained in *R.* v. *Faulkner* (1961), *The Times*, 18th August, and GLYN-JONES, J., described it as a "more merciful sentence" than one of a term of years: while it was in the public interest that the applicant should be kept indefinitely in custody, if there was an improvement in his mental condition, the prison authorities could order his release at some appropriate future time.

Taking a Sledgehammer

WE were interested to read a news item that a Lord of Appeal and a county court judge had to be sworn in as Hove borough magistrates on Monday in order to hear one motoring case. The need for the constitution of such a high-powered court, manned by LORD DENNING and Judge HAROLD BROWN, judge of Brighton County Court, arose from the fact that the deputy chairman of the Hove Bench was a prosecution witness and this prevented any of his colleagues from being able to adjudicate. It was alleged that the accused had driven across a major road and forced the deputy chairman to brake suddenly. The motorist was fined £15. An appropriate tongue-in-cheek moral to draw from the incident would appear to be that, to further the smooth running of the judicial machine, magistrates should endeavour to avoid being witnesses to incidents in areas over which they exercise jurisdiction.

Judge Learned Hand

LAWYERS throughout the world mourn the passing of Judge LEARNED HAND, who died in New York on 18th August, at the age of eighty-nine. Educated at the Albany Academy, Harvard University and the Harvard Law School, where he obtained his LL.B. degree in 1896, Billings Learned Hand was appointed a United States District Judge for the Southern District of New York in 1909. He was promoted to the Circuit Court of Appeals in 1924 and became Chief Judge in 1939. He retired in 1951 but continued to sit until as recently as 1959. His name has been linked with those of Mr. Justice Wendell Holmes and Judge Benjamin Cardozo as the greatest American judges during the past generation.

INDUSTRY AND THE CLEAN AIR ACT

IN 1956 an article appeared in this Journal by Mr. J. F. Garner on the general provisions of the Clean Air Act, 1956 (100 SOL. J. 641). At that date the Act had just been passed, and many of its provisions had not yet been brought into operation.

By statutory instruments made in 1956 and 1958 all the provisions have now been brought into operation, and the period of grace given to industrialists under certain circumstances will end on 4th July, 1963. In this article it is proposed to deal with the Act and regulations made thereunder as it affects industry. Incidentally, although a number of prosecutions under the Act have been reported in the Press, the writer is not aware of any cases in the law reports on the provisions of the Act.

Dark smoke prohibited

Section 1 of the Act prohibits the emission of "dark smoke" from a chimney of any building, subject to the provisions of the Act. Whether smoke is black, dark or non-contravening is determined by reference to the Ringelmann Chart. This is a sheet containing squares one above the other which are hatched in varying densities, so that at a distance they appear solid but of various shades of darkness. By s. 34 (2) of the Act "dark smoke" is as dark as or darker than Ringelmann Shade 2. By para. 2 (2) of the Dark Smoke (Permitted Periods) Regulations, 1958 (which will afterwards be referred to as "the Permitted Periods Regulations") "black smoke" is as dark as or darker than Ringelmann Shade 4. It is not, however, essential that the smoke should actually be compared with a Ringelmann Chart. By the combined effect of s. 1 (2) of the Act and the Permitted Periods Regulations, emissions of black or dark smoke for certain specified periods do not constitute an offence against s. 1. The object of the exemption is to allow the operations of cleaning out fires and soot-blowing (which must inevitably cause some dark smoke) to be carried out.

The permitted periods are as follows:—

(*a*) *Dark Smoke*

(i) Emission for not more than ten minutes in the aggregate in any period of eight hours.

If soot-blowing is carried out, the period is extended to fourteen minutes (reg. 3 (1)).

The periods are further increased in the case of a chimney serving two, three or four or more furnaces, with equivalent increases for soot-blowing (reg. 3 (2)).

(ii) Continuous emission for a period not exceeding four minutes (reg. 4 (i)).

(*b*) *Black Smoke*

Emission for not more than two minutes in the aggregate in any period of thirty minutes (reg. 4 (ii)).

Where a single boiler or unit of industrial plant is fired by more than one furnace discharging to the same chimney (e.g., a Lancashire boiler) those furnaces shall be deemed to be one furnace.

Defence

By s. 1 (3) it is a defence to prove that the contravention was *solely* due to (*a*) lighting up the furnace from cold, or (*b*) unforeseen or unavoidable failure of apparatus, or (*c*) inability to obtain suitable fuel, or (*d*) a combination of the above causes.

The further defence allowed by s. 2 will cease to be available on 4th July, 1963. The defence is—

(*a*) that the contravention was due to the nature of the building *or* its equipment and was not due to any failure properly to maintain the building or properly to maintain and use the equipment; and

(*b*) that it had not been practicable to alter or equip the building so as to enable it to be used or fully used for the purpose for which it was intended without the likelihood of contravention of s. 1.

The object of the section is to give time for the owners of industrial premises which were not capable of being operated smokelessly in 1956 to carry out the adaptations which would be required to prevent contraventions. In s. 34 (1) "practicable" is defined as "reasonably practicable having regard amongst other things to local conditions and circumstances, to the financial implications and to the current state of technical knowledge."

During the seven years period, it is possible for the industrialist to apply to the local authority for a certificate under s. 2 (2) that it was not practicable to alter or re-equip the building to avoid contraventions. The certificate may be granted for one year or a shorter period. During its currency a certificate is conclusive evidence that alteration or re-equipment is impracticable but this does not mean that a s. 2 defence is bound to succeed. A conviction might still be obtained if the contravention was due to bad stoking or unsuitable fuel.

A separate offence against s. 1 is committed on any day on which dark smoke is emitted contrary to the Act. An important general provision is s. 30 (1), which requires the authorised officer of the local authority to give notice of the commission of an offence as soon as may be to the occupier of the premises and to confirm the notification in writing within forty-eight hours.

The person responsible for compliance with the Act is the occupier of the premises. By s. 28 (1) (*a*) the occupier may, if necessary, apply to the county court for a dispensation from obtaining the owner's consent to any work which is reasonably necessary to avoid contraventions. By s. 28 (1) (*b*) he may apply to the county court for an order that the cost of works required to avoid contraventions of the Act should be borne by the owner or some other person. Under both paragraphs the court may make such order as it thinks just. Although the provisions of s. 1 as to emission of dark smoke will mainly apply to industrial buildings, they can be applied to buildings of any type.

Section 3 requires any new furnaces to be capable of smokeless operation and allows the developer (if he so desires) to ask the local authority to give prior approval to the plans and specifications of such furnaces. It also requires notice to be given to the local authority before such furnaces are erected. Small domestic furnaces are exempted.

Sections 5 to 9 deal with grit and dust; ss. 6 to 9 apply only to furnaces burning pulverised fuel or burning solid fuel or solid waste at the rate of one ton an hour or more. They also apply to an oven used for subjecting solid fuel to a process involving heat (e.g., a coke oven). Section 5 requires all practicable steps to be taken to minimise the emission of grit and dust. Sections 6 to 9 also require the fitting of the appropriate appliances, and provide for the measurement

and recording of emissions of grit and dust. Section 10 provides for rejection of the plans of certain new buildings if the chimney is not high enough.

Smoke control areas

Sections 11 to 15 deal with smoke control areas. The broad effect of a smoke control order is to prohibit the burning of bituminous coal anywhere within the smoke control area. The order is made by the local authority and confirmed by the Minister. The application of such orders to industrial premises is likely to be limited. All mechanical stokers installed on or after 31st December, 1956, are automatically exempted from the operation of a smoke control order, even if the local authority would prefer not to exempt them (Smoke Control Areas (Exempted Fireplaces) Order, 1959). The exemption is conditional on their being installed, maintained and operated so as to minimise the emission of smoke, and on the correct fuel being used. Mechanical stokers installed before 1956 are not automatically exempt, but by a ministerial circular the local authority is advised to exempt them in the order, on the same conditions if they are capable of *virtually* (not necessarily *completely*) smokeless operation. Quite apart from these exemptions, many local authorities may decide not to make smoke control orders affecting industrial areas.

Section 17 deals with the relationship between the control exercised by the central Government over certain industrial processes under the Alkali, etc., Works Regulation Act, 1906, and the functions of local authorities. That Act contains a list of noxious fumes and gases and a list of industrial processes which were subject to control under the Act, the control being exercised by the alkali inspectorate, a branch of the central Government. The object of the control was to minimise the emission of fumes and gases, and the types of premises affected were limited (but by an Act of 1926 the list could be extended by order). The control did not extend to smoke, grit or dust. By s. 17 of the Clean Air Act the control under the Alkali Acts is now extended to smoke, grit and dust from premises controlled thereunder in the same manner as the control of noxious, etc., gases. There is a saving clause for ss. 1, 5 and 16, but even here no legal proceedings can be instituted without the consent of the Minister. Furthermore, by the Alkali, etc., Works Order, 1958, the list of processes controlled under the Alkali Acts has been very greatly extended. It now includes power stations, iron and steel works and gas and coke works. The combined effect of the section and the order is to transfer the control of air pollution by certain types of heavy industry from local authorities to the alkali inspectorate.

By s. 18 the owner of a mine or quarry is required to employ all practicable means to prevent combustion of spoilbanks and to prevent or minimise the emission of smoke and fumes therefrom. There is an exemption for disused spoilbanks. Section 19 requires smoke from railway engines to be minimised. Section 16 allows a local authority to deal with a smoke nuisance under the Public Health Act, 1936, if a prosecution under s. 1 is not available.

Section 20 applies ss. 1 and 2 (Emission of dark smoke) to vessels while in inland waters or within a recognised port or harbour. By the Dark Smoke (Permitted Periods) (Vessels) Regulations, 1958, the emission of dark smoke for certain periods is exempted. (The regulations state that "a vessel which is aground shall be deemed to be under way.")

Effectiveness of Act

The effectiveness of the Act will depend on the energy with which it is enforced by the local authorities, and it may well be that standards of enforcement will vary from area to area. The general effect will undoubtedly be to encourage industrialists to replace old-fashioned and inefficient furnaces by more modern appliances which can be operated virtually smokelessly. The industrialist may well find that such replacement will be in his own interests, because furnaces which cause excessive smoke are usually inefficient and therefore uneconomic. It is suggested that a practitioner who is consulted by an industrialist threatened with a prosecution for emitting dark smoke should ask his client to consider the long-term aspect as well as possible defences to an immediate prosecution. If the practitioner has to take a case under the Act, whether for the prosecution or the defence, he will also be well advised to learn something about the technique of stoking and boiler-firing.

R. H. M.

THE TRUSTEE INVESTMENTS ACT, 1961—II

As the Act introduces points which do not normally come within the sphere of solicitors in general practice, it is hoped in this article to highlight this side of the Act.

First, however, trustees will want to know whether to adopt the powers granted by the Act. Though trustees of pre-Act trusts are not obliged to use the Act, they would be failing in their duty if they did not consider whether or not they should do so. The following considerations are pertinent.

The investments permitted by the Trustee Act, 1925, were framed at a time when the normal expectation of the future rested on the assumption of a stable value of money. Unfortunately inflation became and is now the order of the day, with the consequent loss of capital values. This situation was appreciated by such bodies as the Church of England, which took powers to invest in the ordinary shares of industrial companies. The Public Trustee has investments the nominal value of which is £38 million invested in equities. As a result of the Act he has written to a number of beneficiaries in his care seeking approval to the investment of part of the trust fund in equities. He administers funds amounting to well over £200 million and invests about £1½ million a month.

Though the circumstances of trusts vary, in principle the object can be summed up as providing an adequate assured income whilst maintaining the real value of the capital. The Act is designed to enable trustees to cover these points by allowing them to provide a hedge against inflation.

The following examples will illustrate the point. If £1,000 was invested in Consols 2½ per cent. (a trustee stock under the Trustee Act, 1925) in 1951 at the average price for that year of 66⅔ to produce an annual income of £37 16s. it would now be worth £580. Allowing for the rise in prices since 1951, the value in real terms would be £417. Compare this with the original cost of £1,000. The current income in real terms would be equivalent to £27 4s.

On the other hand, if £1,000 had been invested in Imperial Chemical Industries ordinary shares (permitted as a wider-

range investment under the new Act) in 1951 at the mean price in that year of 48s. 5d. to produce an income of £49 11s., allowing for free scrip issues since 1951 but not rights issues, the number of ordinary shares held now would be three times as many as were bought originally. The holding would now have a market value of £4,280 (equal to £3,081 at 1951 prices), while the current income would be £170 7s. (equal to £122 12s. at 1951 prices).

Valuation of the trust fund

If, after due deliberation, it is decided to adopt the Act a written valuation of the trust fund must be obtained. This must be obtained from a person reasonably believed by the trustee to be qualified to make it, and it will be conclusive for the purpose of dividing the trust fund. Advising on whom to consult where land or a small business is concerned will cause no difficulty. Where securities are involved solicitors will have to take into account the following considerations.

There are a variety of firms of stockbrokers. As the trustees may subsequently have to obtain advice on what investments to make, it is as well to use the same firm for both purposes. Inquiry should therefore be made as to whether the firm has a statistical department and whether the implications of the Act have been studied.

There are no rules about fees for valuations, as solicitors will already have discovered in the case of probate valuations. They can vary from £2 to hundreds of pounds, depending on the complexity of the valuation. It is understood, however, that a number of firms will make little or no charge for such valuations if subsequent purchases and sales are made through them.

Small trusts

There will, of course, be those trusts, especially small ones whose value is no more than two or three thousand pounds, where such considerations as are mentioned above will not be appropriate. They will still have to be valued. They will more than likely consist of one or other of the investments listed in Pt. I of Sched. I to the 1961 Act and therefore be easy to value and not require subsequent advice.

These trusts can also benefit from the Act because the wider-range part includes unit trusts, which cater specially for the small investor. By investing in unit trusts a hedge against inflation and the benefit of expert investment management can be combined. The national papers carry advertisements put out by unit trusts. It is worth mentioning one, namely, the Municipal and General Securities Group, as they have formed a unit trust known as "Charifund" to cater specially for charities and are forming a unit trust to cover trusts and cope with the problem of the respective interests of life tenants and remaindermen.

Investment in unit trusts must be made under advice. It is as well to remember that the unit trust has to be authorised by the Board of Trade. Authorisation does not necessarily mean that the unit trust is well run, as obtaining such authority consists largely of the formality of lodging the right documents with the Board of Trade. The composition and past record of the managers, and who the trustees and advisers are, should also be studied.

Advice on investment

Trustees must obtain advice in writing or subsequently confirmed in writing from a person "reasonably believed by the trustee to be qualified by his ability in and practical experience of financial matters" (s. 6 (4) of the 1961 Act) when deciding what investments to make. This has been drawn vaguely on purpose. When considering this point regard should be had to the recommendations contained in the White Paper, Powers of Investment of Trustees in Great Britain (Cmnd. 915). This recommended the written advice of a "competent professional adviser such as a stockbroker, accountant or bank manager": note the absence of solicitors from the list.

The role of solicitors

When deciding which securities to advise, the chosen financial adviser will either have compiled his own list of what he considers to be securities with trustee status or consult one supplied by the statistical services. Moodies Services, Ltd., are proposing to mark with a "T" those securities that they consider to qualify. They will not, however, mark which are narrower-range and which are wider-range investments. As they only review their lists once a year, it will be twelve months before the list is complete. It is understood that the Exchange Telegraph Co., Ltd., is contemplating a similar service. The Stock Exchange Official List will not be producing any such distinguishing mark. Despite the above, it is submitted that the question what amounts to a security within the meaning of the Act is one of legal interpretation and thus falls on the shoulders of solicitors.

Consequently, when checking recommendations on this point, great care should be exercised, as there are a number of pitfalls. For example, in the narrower-range part loans to authorities mentioned in para. 9 of Pt. II of Sched. I to the 1961 Act must be secured on the "revenues"—as opposed to the "rates." This will have to be checked. In the wider-range part ordinary shares, in addition to being quoted and paying the requisite number of dividends, must be fully paid and have an issued and paid up capital of £1 million. This rules out a number of well known insurance companies which have partly paid shares.

The greatest difficulty will come when considering the dividend qualification. It will be seen from para. 3 (*b*) of Pt. IV of Sched. I that the references are to dividends being *paid* and *calendar* year—as opposed to dividends being declared and financial year.

For example, a company which has its financial year to June of each year and which normally pays a dividend the following October could pass over the dividend for that financial year and yet still qualify by paying an interim dividend for the next financial year before the end of December. On the other hand, it could become disqualified, even though it had paid a dividend in each of its financial years, by paying it outside the calendar year; taking the above example, instead of paying it in October, by not paying it until the following January. As stockbrokers are likely to get their dividend information from the statistical cards which refer to financial years this point is specially important.

Section 4 of the Trustee Act, 1925, has not been repealed, so that, inasmuch as an investment subsequently ceases to qualify, a trustee is covered.

Solicitors will also have to decide whether capital or income is to bear the cost of advice and commissions. It is submitted that commission on purchases and sales will be charges against capital.

It will also be the role of solicitors to marshal the facts appertaining to a trust so that the appropriate investment advice can be given. The duration of the trust, its purpose, the income, rate of tax and age of the life tenant—all have a bearing on the choice and timing of investments. For example, if a capital sum is required in fourteen years' time to coincide with a beneficiary coming of age a security like

Newcastle 2½ per cent. 1970/75 could be recommended. This has fourteen years to go for redemption at £100. As it now stands at 64 there will be a guaranteed capital profit of £36, or 56 per cent. over its life. If the cost of living rises at the same rate as it has done between 1950 and 1960, namely, at just under 50 per cent., it should also provide a good hedge against inflation.

Lastly, solicitors will be asked to advise on when and how often the securities in the trust fund should be reviewed. If asked, a good firm of stockbrokers will automatically review a holding at appropriate intervals of time for a particular trust. Those readers who have witnessed the decline in value of such securities as foreign bonds and foreign railway stocks will know the importance of such periodic checks.

(*Concluded*) J. E. B.

TO E OR NOT TO E

WHEN I am not doing the cooking, the washing up, the cleaning, the mending, the washing, the ironing, the shopping or the gardening of our household, I am sometimes called upon to type articles written by my husband. This is partly because I am the only known living person who can begin to read his writing, long experience enabling me to make fairly accurate guesses at what I cannot. It is, I suspect, also partly because he pays me at the same rate for doing his typing as he does for cooking, washing up, cleaning, mending, washing, ironing, shopping and gardening, and any married reader will know what I mean by that.

It has long been my belief that one reason for my husband's illegible writing is to disguise the fact that he is totally unable to spell. I therefore not only have to guess at what he is trying to say, but also to guess how it ought to be spelt. My guesses, though better than his, are not always spot on, and the result is a number of little ink alterations all over the typescript which must turn the compositor's hair grey.

It so happened that the other day my husband produced a masterpiece in which the word "judgment" appeared a number of times. I was happily persuing my psychic way through the literary jungle, when it suddenly occurred to me that he had mis-spelt it. A hasty reference to the Pocket Oxford Dictionary confirmed my view, and so, mildly annoyed at having been caught so easily, I went over the typed pages, putting an "e" in ink between the "g" and "m" wherever the offending word appeared. Being a tidy minded person, and also hoping that it might save a repetition of the offence, I apologised to my husband for the alterations, and pointed out that it was all his fault, since he had spelt his "judgments" without an "e" on every legible occasion.

Consternation

What I did not know at the time was that up till a short time before he too had always spelt "judgment" with an "e", and had only stopped doing so when corrected by one of his clerks. Since it is a well-known fact that clerks who correct their principals in such matters are invariably right, and it is equally well known that the Pocket Oxford is also invariably right, a situation of the fraughtest kind looked like arising.

A snap check on the only other authorities available, which consisted of an old Chambers, Roget, Hugo's English-French, the County Court Practice, and an 1846 edition of Stevens, showed that they were all pro-clerk and anti-Pocket. In fact, as the investigation proceeded, it showed that everyone else was, too, with the exception of the daughters of the house, who sided with Ma. It began to look as if the oracle was wrong, for once, an unnerving thought for one who has to resort to it so often.

But succour was at hand in the form of Pocket's big brother, Concise. There the word appears as "judg(e)ment", which has the look of a Judg(e)ment of Solomon to me. In fact, it seems that you can have it both ways.

Nevertheless, with great loyalty, I went back through that article and crossed all the little "e"s out again. I hope the compositors will not be too infuriated.

Mrs. J. K. H.

[*They weren't. The article in question appeared at p.* 696, *ante.*—ED.]

"THE SOLICITORS' JOURNAL," 24th AUGUST, 1861

ON 24th August, 1861, THE SOLICITORS' JOURNAL dealt with Parliamentary Papers relating to crime: "Mr Sydney Turner, inspector of the certified reformatory schools of Great Britain, in June last reports a continuance of the sensible diminution of juvenile crime since the establishment of these schools—the numbers of young offenders in England and Wales for the years ending September, 1859 and 1860, being 8,913 and 8,029. But as this decrease might be attributed to an earlier preventive education, the numbers of commitments of offenders above sixteen years old are shown to have decreased in four years from 112,322 to 92,585. Taking the increase of population into account, the decrease of crimes of boys and girls in five years is stated at 40 per cent., in grown persons at 12 per cent. It is remarkable that the latter decrease did not show itself until the former had had time to bear on the supply of older criminals. The inmates of the reformatories themselves have increased from 3,222 in December, 1859, to 3,712 in December, 1860. This the inspector attributes to the admission of a great number of children under twelve, on first conviction—an inconvenience which, he hopes, will be remedied by the industrial schools. . . . It appears by the returns to the inspector from the managers of the schools that of 1,000 boys discharged in England up to the end of 1859, about 600 are known to be doing well, 120 have been again convicted and 100 are doubtful characters. Of girls, the proportion known to be doing well is about 40 per cent. only. The majority of relapses is among those who are returned to their friends or relatives. Placing the boy or girl out on licence (ticket of leave) for a year has succeeded."

Societies

The annual dinner and dance of the CENTRAL AND SOUTH MIDDLESEX LAW SOCIETY will be held on 1st November, at the Savoy Hotel. Tickets are £2 10s. each, and are obtainable from Mr. John Christie, 505 High Road, Wembley. Tickets may also be ordered for the senior managing clerks' dinner, to be held on 27th September, at Skyway Hotel.

COMPANY LAW IN GHANA—I

In April this year the Government of Ghana published a report by Professor L. C. B. Gower, acting as a commissioner appointed by it, on the working and administration of Company Law in Ghana. The report consists primarily of two draft statutes, the Companies Code Bill and the Incorporated Private Partnerships Bill, which Professor Gower recommends for enactment by the Parliament of Ghana. At present, companies in Ghana are regulated by a Companies Ordinance based on the English Companies Act, 1862, and a modernisation of the law in this field is clearly called for if the resources and potentialities of the country are to be developed at least in part by private enterprise. The two draft statutes amply meet this need. Moreover, they are not mere rehashes of present-day English law. True enough, they are based on English law, but they contain novel features in advance of the Companies Act, 1948, and the Partnership Act, 1890, and the Companies Code Bill adopts many of the better features of American law in respect of the organisation of capital, the fiduciary duties of directors, and the control of offers of shares to the public. Furthermore, the draft statutes attempt to codify the whole of the law in the field with which they deal, so as to avoid the need for Ghanaian courts in the future having to refer to English common-law and equity decisions, which in this country account for a substantial part of the relevant law. This does not mean that every aspect of companies' activities is beset with hidebound rules, however. Many of the sections which codify common law and equity rules contain merely broad statements of principle, so that the Ghanaian courts will be free to apply and develop them in individual cases, and thus work out a distinctively national approach.

In these two articles it is obviously impossible to examine all the provisions of the two draft statutes in the detail they deserve. I shall therefore deal only with the more important features of the Companies Code Bill, which is of particular interest to lawyers in this country, because, as well as probably setting the pattern of company law legislation in the emergent African states, it may well foreshadow changes in our own company law in the near future. References to sections in these two articles are, unless otherwise stated, references to sections of the Companies Code Bill.

Constitution of companies

Any one or more persons may form a public or private company by registering a copy of the regulations of the company (corresponding to our memorandum and articles) with the Registrar of Companies, who incorporates it by issuing a certificate of incorporation (ss. 8, 9 (2) and 14). The company's regulations must provide for certain matters corresponding to the obligatory clauses of our memorandum of association (s. 16), and may incorporate other provisions by reference to standard forms of regulations in Sched. II to the code, which apply in any case unless the regulations exclude them (s. 17). The company may be limited by shares or guarantee, or be unlimited, but guarantee companies may not be formed to carry on businesses for profit (ss. 9 (1) and 10). A private company's regulations must impose the same restrictions on it as are required by our law, save that the total number of its members *and debenture-holders* must not exceed fifty (excluding employees), and it may not invite the public to subscribe for its shares or debentures *or to deposit money with it* (s. 9 (3)).

Before a company may commence carrying on business it must have received at least £G.500 in cash or kind for the allotment of its shares, and at least £G.100 of that sum must be paid in cash (s. 28). Additionally, it must deliver a return of particulars about its officers, auditors and registered office and the location of its register of members, in this country required to be made on several separate forms within different time limits (s. 27). Failure to comply with s, 27 or s. 28 entails not only a fine, but also the company being disabled from enforcing contracts it has entered into, unless relieved by the court, in the same way as a trader in this country who has failed to register the business name under which he operates (s. 29).

A company may alter its regulations by special resolution (s. 22), but requires the registrar's approval to changing its name (s. 15 (3)), and an alteration of the business which it is authorised to carry on may be appealed against to the court by the registrar, or the holders of 15 per cent. of any class of the company's shares, or the holders of 15 per cent. of its debentures, or, in the case of a private company, by any of its members or debenture holders (s. 26 (4)). No alteration may require a member to subscribe for additional shares or to contribute money to the company *or impose or increase restrictions on his right to transfer his shares*, unless he consents (s. 22 (8)).

Dealings with third parties

Companies may not engage in any business not authorised by their regulations, but no act of a company or transfer of property by or to it is void if this rule is broken (s. 25 (1) and (3)). A member or debenture holder may seek an injunction to restrain such an *ultra vires* act which is threatened, however, and the court may set aside any executory contract involving such an act on such terms as it thinks fit (s. 25 (4) and (5)), and directors who engage in *ultra vires* acts will be liable to the company in damages. These provisions avoid the vagaries of the *ultra vires* rule in our law, and, coupled with the provision that a company has all the powers of a natural person in order to carry on its authorised business (s. 24), should make purposeless the prolixity with which objects clauses in English memoranda of association are drafted. It is questionable whether the best way to deal with executory *ultra vires* contracts is to give the court a discretionary power of annulment, however. It would probably be better to adopt the common-law rule of certain American states that, once either party has performed a substantial part of his obligations under the contract, the other party cannot plead that it is *ultra vires*, or, alternatively, the German rule that the contract is enforceable by the company, and also by the other party unless he was aware that the transaction would cause the company monetary loss. Even under s. 25 as drafted, however, the court will not be induced to set aside a contract to the prejudice of the other party on the company's plea that he must be deemed to have known what the company's authorised business was from its registered regulations, for the doctrine of constructive notice of the contents of documents registered in respect of the company, which our law accepts, is expressly repudiated by the code (s. 141).

Pre-incorporation contracts made by a company's promoters may be ratified by it after incorporation, and so made binding on it; if they are not ratified, the persons who made them *in the name* or on behalf of the company are taken to contract personally (s. 13). Thus, the oddities of *Kelner* v.

Baxter (1866), L.R. 2 C.P. 174, and *Newborne* v. *Sensolid, Ltd.* [1954] 1 Q.B. 45, are disposed of.

In ss. 139 to 143 the code boldly attempts to express that most elusive of company law doctrines, the rule in *Royal British Bank* v. *Turquand* (1856), 6 El. & Bl. 327, in the form of a number of principles. A person dealing with the company may treat it as bound by any act done by a general meeting, the board of directors, or a managing director who is carrying on its business "in the usual way," unless the person so dealing has actual knowledge of some irregularity (s. 139). Furthermore such a person may assume that any officer or agent of the company has the authority he purports to have to act on its behalf if he has been held out as having that authority by a general meeting, the board or a managing director (s. 140). This way of putting the *Turquand* rule has the following advantages over the way it applies, or seems to apply, in this country: (*a*) the person who deals with the company need not inspect its regulations to see how its powers are divided between general meetings, the board and the managing director, and he will not have constructive notice of the provisions of its regulations in this respect if he fails to inspect them (s. 141); (*b*) the company will be bound by the acts of a person who has been held out as authorised to represent it by a general meeting although not by the board (thus setting at rest the questions raised in *Mercantile Bank of India* v. *Chartered Bank of India* [1937] 1 All E.R. 231). The code furthermore provides by s. 142 that anyone who deals with a company may assume that the persons who are registered as its directors and secretary were properly appointed (a doubtful point under our law), and that the secretary has authority to authenticate documents on the company's behalf (thus reversing *George Whitechurch, Ltd.* v. *Cavanagh* [1902] A.C. 117, which our law has only abandoned in respect of the certification of share transfers), and, finally, by s. 143, the code provides that the protection given to an outsider shall not be taken away by the fact that the officer or agent with whom he dealt was guilty of fraud toward the company or forged a relevant document (thus dispelling the doubts raised by *Kreditbank Cassel G. m. b. H.* v. *Schenkers, Ltd.* [1927] 1 K.B. 826, and kindred cases).

Share capital and surplus

The provisions of the code as to share capital mark its most radical departure from the traditional concepts of English company law. A company may issue only shares of no par value (s. 40 (1)), and its regulations merely state the number of shares it is authorised to issue (s. 16 (4)) and the classes (if any) into which they are divided (s. 46). Shares may be issued for any consideration in cash or in kind (s. 41), but when issued in consideration of kind, a written contract for the allotment stating the cash value of the consideration must be filed with the registrar (s. 42 (2)). All shares are fully paid when the agreed consideration has been furnished to the company, but if the company is wound up compulsorily or by way of a creditors' voluntary winding up the court may revalue any consideration given in kind, and if the court's valuation is less than the value stated in the contract of allotment the shares will be unpaid to the extent of the deficit (s. 42 (3)). These provisions appear to give directors a free rein to issue shares to whomever they choose and at any price they think fit, but their apparent freedom is fettered by three rules, namely: (*a*) they must exercise their power to issue shares, like all their other powers, in the interests of the company, and must obtain the best consideration they can by the exercise of due care (s. 203 (2)); (*b*) where further shares are issued, they must first be offered at a uniform price to existing members of the company in proportion to their existing holdings, or, in the case of further shares of a particular class, to all existing shareholders of that class, unless a general meeting otherwise resolves (s. 202 (1) (*b*)); and (*c*) directors may not issue shares to themselves unless shares carrying the same rights are simultaneously offered at the same price to all members of the company, and in this case the company cannot waive the rule by passing an ordinary resolution (s. 202 (2)).

If authorised by its regulations, a company may issue redeemable preference shares, purchase or accept gratuitous surrenders of up to 15 per cent. of its issued shares, and forfeit shares for non-payment of calls, and may re-issue such shares unless a general meeting resolves by special resolution to cancel them (ss. 59–62). In order to redeem or purchase any of its shares, the company must open a "share deals account," to the credit of which the necessary sums are transferred from its income surplus (see below), and when a redemption or purchase is effected the redemption or purchase price is debited to the account; if the redeemed or purchased shares, or forfeited or gratuitously surrendered shares, are re-issued, however, the price obtained from the allottee is credited to the account, and may be used to effect further redemptions or purchases (s. 63 (1) and (2)). As an alternative to redemption through share deals account, redeemable preference shares may be redeemed out of the proceeds of a fresh issue of shares (s. 60 (1)). A share deals account, of course, in no way corresponds to our capital redemption reserve fund, which is a capital reserve created by transferring from profits a sum equal to the nominal value of redeemed preference shares, and which cannot be used for any purpose, other than paying up the nominal value of bonus shares, without a reduction of capital approved by the court.

A company formed under the code will have no nominal capital, and, because its shares have no par value, its shares will never be issued at a premium or discount. Instead, its capital is shown in its balance sheet as the sum of the amounts it has received on the original issue of its shares (not as consideration for the re-issue of redeemed, purchased, surrendered or forfeited shares) and the value attributed by agreements for the issue of its shares in consideration in kind to that consideration, this total being known as its "stated capital" (s. 66 (1)). The stated capital may be increased by transfers from the company's income or capital surplus (see below) or from the credit balance on share deals account (s. 66 (1)), or by the company issuing and receiving payment for more shares (for which purpose it may increase the number of its authorised shares by special resolution (s. 57 (1)), or by it receiving payment of unpaid calls on its existing shares. On the other hand, stated capital may only be reduced by a procedure similar to our own for reduction of capital, and this is so whether capital is repaid to the shareholders or not (ss. 75 to 79). The redemption and purchase of shares through share deals account and the forfeiture or surrender of shares, however, do not reduce stated capital (s. 59 (4)), and the redemption of preference shares out of the proceeds of a new issue of shares merely results in the amounts received for the new shares replacing the amounts received for the redeemed ones as a constituent of stated capital.

A company's surplus is the amount by which the value of its assets shown in its balance sheet exceeds its stated capital and liabilities (s. 69), and such surplus is divided into share deals account, income surplus and capital surplus, the latter

comprising unrealised increments in the value of the company's fixed assets (s. 70). Dividends may only be paid out of income surplus, and then only if the company has sufficient liquid assets to pay its debts as they fall due (s. 71 (1)), but the company may issue bonus shares on capitalising any part of its surplus, and such shares are distributed among its members in the same proportions as a cash dividend would have been (s. 74 (1)). As has been shown above, however, it is possible to capitalise any part of surplus without issuing bonus shares, but it is not possible to issue bonus shares without a capitalisation (see s. 57 (1)), despite the fact that the bonus shares would have no par value, and the effect of issuing them would simply be that every issued share would be represented by a correspondingly smaller part of the stated capital.

ROBERT R. PENNINGTON.

(To be concluded)

Landlord and Tenant Notebook

ESTOPPEL OF MORTGAGEES

THE position of people who take tenancies of properties which are or are about to be mortgaged was well illustrated a few years ago by two decisions: *Hughes* v. *Waite* [1957] 1 W.L.R. 713, and *Grace Rymer Investments, Ltd.* v. *Waite* [1958] Ch. 831 (C.A.), both of which arose out of what Lord Evershed, M.R., called, in the second-mentioned case, " the somewhat nefarious transactions of three persons called Waite, also calling themselves (with what justification I know not) estate agents." In each case they had " succeeded in extracting sums of money from persons whom they put into occupation of houses to which they, as often as not, at the material date, had no title whatever. They then acquired some title to the premises but subjected them to mortgages." In the earlier of the two cases, the victims (" gulls " Harman, J., called them) were unable to resist demands for possession by a mortgagee; in the other, thanks more to good luck than to good management, they were found to be protected.

For present purposes, all I have to say about the two decisions is that in the one the plaintiff was held not to be affected by an estoppel which would have operated against the Waites, while in the other that estoppel was held to have created an overriding interest.

In the recent case of *Barclays Bank, Ltd.* v. *Kiley and Another* [1961] 1 W.L.R. 1050; p. 569, *ante*, which did not arise out of any nefarious transactions, another possibility was considered: that of the mortgagee estopping himself from denying the existence of tenancies granted, without authority, by the mortgagor.

Validity of a demand

The points on which the claim for possession were actually decided are beyond my scope, but, in order to give a complete picture of what happened, I will make a brief reference to them.

The owner of a house, one *L*, had charged it with payment of all moneys owing by him to the plaintiffs, agreeing, *inter alia*, that a demand for payment or any other demand might be made by letter sent by post to the address given or to his last known place of business or abode. This was in December, 1948. In May, 1951, he purported to let the second floor to one *S*, the second defendant in the proceedings, at a weekly rent. In August, 1959, he died, and no will was found and no letters of administration were taken out; but one *P* asked *S* to pay rent to a specified limited company (the fact that the plaintiffs later demanded money owing to them by the deceased and by that company suggests some association between the two, but there is nothing to show what *P's* status was). Then, in November, 1959, *P* purported to let the first floor to the first defendant at a weekly rent, payable to the company. Both " tenants " paid their rents to the company till April, 1960.

The plaintiffs wrote a letter addressed to *L* at the premises in February, 1960, demanding payment of moneys owing and on 11th March they appointed one Stevens receiver of the mortgaged property. He then wrote to the defendants telling them not to pay rent to anyone other than himself or at his direction. In the judgment it is said that he *refused* to accept rent.

The proceedings were an originating summons, and the first point taken by the defendants was that in the absence of a representative of *L* it was not properly constituted. On the authorities (including *Hughes* v. *Waite, supra*), Pennycuick, J., decided this question in favour of the plaintiffs: the mortgagor could not be prejudiced.

The next question was whether the February, 1960, letter constituted a valid demand, the mortgagor not being alive at the time, and on the construction of the instrument the learned judge held that it did. The only comment I would venture to make is on the reasoning: that to construe the provision as limited to demands which could be made to the mortgagor personally would produce a deadlock which could apparently only be resolved by the bank procuring a grant of administration as a creditor. I would suggest that the demand could have been served on the President of the Probate, Divorce and Admiralty Division of the High Court, just as notices to quit are so served when a tenant dies intestate; alternatively, that if it could be shown that the letter containing the demand was opened by *P* or anyone else, that person might be regarded as being in the position of agent for the President: *Egerton* v. *Rutter* [1951] 1 K.B. 472.

The above decided the matter but Pennycuick, J., proceeded to consider whether, if his decision were wrong, the defendants could set up a tenancy by estoppel.

Estoppel

Stevens, the receiver, was the plaintiffs' agent (*Lever Finance, Ltd.* v. *Needleman* [1956] Ch. 375) and, after writing to the defendants about rent as I have mentioned, he or his firm had been approached by the second defendant with a complaint about the front guttering, and by both defendants about a demand for £22 1s. 9d. Schedule A tax addressed to " The Occupier " which had been delivered at the house. The complaint about the guttering produced a letter in which Stevens' firm said he was not yet in possession and there were no funds in hand; that the gutter seemed likely to be dangerous; that the defendant had better have it attended to,

pay for the repair out of the *rent she was holding*, keep the receipt and later on tender it as part of her *rent*; and would she please let them know when she had had the work done. The other defendant went to see the firm about the tax, and was told that they could not authorise deduction from rent but that it would have to be paid; and she and her co-defendant paid it in equal shares.

Question of fact

Pennycuick, J., observed that, in the words of Cross, J., in *Stroud Building Society* v. *Delamont* [1960] 1 W.L.R. 431, the facts must be looked at as a whole, the judge putting himself in the position of a juryman. In that case Cross, J., drew an inference in favour of the originally unauthorised tenant: the receiver had demanded rent of her, she had paid it, and the mortgagees had called her their tenant in a notice to quit. The learned judge also referred to *Evans* v. *Elliott* (1838), 9 A. & E. 1342, in which a mere request for rent was held not to estop; to *Doe d. Parry* v. *Hughes* (1847), 11 Jur. 698, in which inspection of improvements was held not to create the tenancy alleged; and to the more recent *Taylor* v. *Ellis* [1960] Ch. 368: a mortgage excluding power to let was granted in 1924, an unauthorised tenancy in 1940; payment of interest ceased in 1950, but the mortgagee took no steps to claim it or ask for the rents; when the mortgagee died in 1957 his executrix was held to be entitled to possession.

Pennycuick, J.'s conclusion was that the references to "the rent you are holding" and to "your rent payment," coupled with the refusal to accept rent, were wholly compatible with an intention not to create a tenancy at once; so was the reaction to the request for advice about Schedule A tax.

R. B.

DESKANT

A RECENT office efficiency exhibition, put on by a local firm especially for the legal profession, reminded me of my late friend and client, Maddely. Maddely, a civil servant, was in his time a recognised expert on office efficiency and a specialist on desks.

Curiously enough, he asked for and was given a desk, instead of the usual clock, on his retirement. I asked him why. He replied that he had never had one of his own in spite of his interest in deskology, but he would now require one for the writing of his *magnum opus* on the subject.

That he would accomplish this I never doubted. His steady persistence at the Board of Trade had carried him fairly far up the promotion ladder and the last few years at the Treasury had set the seal on a career of limited objectives inexorably achieved. What did surprise me was the book's readability and its more than occasional hint of Whitehall farce. I would not, for example, have thought him capable of the following:—

> "At the Board of Trade we had an assistant secretary who in addition to the usual 'In,' 'Out' and 'Pending' trays had on his desk one marked 'Too Difficult.' This latter was placed near the open window on blustery days, when his insoluble problems would be whisked one by one away towards the Embankment" (p. 32).

Maddely always maintained that by examining a man's desk he could assess his potentialities accurately. Pages 101 to 126 of his book are devoted to cases in point and it is fascinating to learn that his analyses became so accurate that he was regularly called in by Ministry psychiatrists in difficult cases of work neurosis.

That his methods were not infallible he was the first to admit, and it is typical of the man's honesty that he should have included the following (p. 124):—

> "*Y* was a senior administrative officer at the Treasury. His desk was invariably clear, with seldom more than the one file with which he was currently dealing upon it—a text-book pointer to efficiency which I mentioned to the establishments officer. It was not until some time after his promotion that the truth was learned—that his desk had been clear simply because he had had nothing to do. Translated to a busier section of the department, his desk resembled Wall Street after a ticker tape welcome."

Such lapses were rare, however; towards the end of his career Maddely was regularly called in by the Treasury on top-level establishment matters and he remained until his death a member of the Gruyèrefeuille Committee on civil service desk design (the Maddely saucer recess; the M.1 desk extension).

His prescience was uncanny. Thus, at p. 148:—

> "I was never in favour of the introduction of steel desks and was not surprised when those brought into use at the Treasury (over my head) had to be taken out of service after a year or so because of metal fatigue."

And again (p. 150):—

> "I pressed strongly for the banning of desk impedimenta of all kinds but it was not until a senior man at the Ministry of Town and Country Planning (as it then was) had put out both his eyes on one of the more lethal types of vertical penholder that circular 9A/51 was issued by the Treasury . . ."

Since the posthumous publication of his book many have asked me about Maddely's own deskmanship. I have had to reply that I knew little of his official activities, but that I had gained certain impressions in my dual capacity as his lawyer and literary executor. I regret to say that the main impression was one of disorder. Like some managing clerks one could mention, he seemed to have preferred a piling to a filing system.

I was the first to enter his study after the death and found his desk piled to a height of from two to three feet with papers and books. Fitting together the manuscript from all this was not easy as the different layers had to be removed most carefully. However my archæology evenings at the City Lit. stood me in good stead and I even adopted the conceit of labelling the layers Palaeozoic, Mesozoic and so on.

It was towards the end of the dig that I came across the small tin of tablets for which his doctor thought he must have been searching at the time of his heart attack.

H. G.

Obituary

Mr. MALCOLM HERBERT PINHORN, solicitor, of Fulham, S.W.6, died on 16th August, at the age of 59. He was admitted in 1925.

Mr. EUSTACE SHERRARD, solicitor, of Kingston-on-Thames, died on 13th August, at the age of 90. He was admitted in 1895.

HERE AND THERE

STRANGE COMPARISONS

AN article in the August number of the Irish review *Hibernia* has some rather curious and interesting things to say about the present state of High Court litigation in Ireland. They read strangely to English eyes, unaccustomed to praise for English practices from the other side of the Irish Sea, for the writer of the article makes several comparisons to the advantage of the courts in the Strand. Oddly enough the thing he most likes about them is the virtual obliteration of the jury from English civil litigation, and that's a paradox to start with, for if ever there was an essentially English institution it is trial by jury. It flourished mightily in English soil but was apt to grow rather freakishly in other climates. In the days of rhetorical advocacy the Bar were wont to invoke it as " the palladium of our liberties " ; the expression still had then a rotundly classical connotation, as yet uncontaminated by the associations of light entertainment. Not by any means everything the English invader imposed on the Irish was admirable but everybody, even the Irish, agreed that the jury was a " Good Thing " as understood by the authors of " 1066 and All That." Anyhow, they have liked it so much that they have retained it in full vigour long after the English themselves have decided that as a universal touchstone it was becoming rather too much of a good thing.

EXPENSIVE SAFEGUARD

WHAT the writer in *Hibernia* feels is that the jury makes civil litigation ruinously expensive by quadrupling the length of trials, which could be far more efficiently coped with by a judge alone. In general that is probably true, although even in England we have had recent experience of one or two judges who are as good as any jury at dragging out the duration of a simple-seeming case. But, in justice, one must remember that the object of a jury never was and never can be speed and efficiency. Its object has always been to call in the average common sense of the average human being to keep the professionals in touch with common humanity, no bad thing in itself, since it is for the benefit of common humanity that the law exists at all. The jury is the check on the absolutism of the " expert." Perhaps in England its eclipse in litigation has so far done little harm, because the judges, recruited from a Bar bred in broad human traditions, are mostly, as the saying is, " one-third common jurymen beneath the ermine." But it might not always be so. No one is going to deny the problems posed by the participation of a parcel of inexperienced amateurs, but the pros and cons of their presence or absence are only part of a far more profound problem. English juries, being chosen on a system which tends to ensure, as has been said, that their general composition is middle-aged, middle-class, middle income and middle of the road, have tended to be conformist. One gets the impression that in Ireland there is more individualism. I wonder whether Irish juries are still anything like the ones described in the books of Serjeant Sullivan and Maurice Healy, with their lively recollections of the judge-jury relationship in pre-Free State Ireland. One could quote interminably, but let me be content with a dialogue between Mr. Justice Boyd and an old gentleman who was asking to be excused jury service : " Why should I excuse you ? " " Me Lard, 'tis a great hardship on me." " It's a great hardship on myself, but I attend here and do my duty." " And, me Lard, I'm so old." " I'm perfectly certain you're ten years younger than I am. I'm very old myself." " And, me Lard, I'm getting deaf." " I'm deaf myself but I manage to hear enough to do justice." " And I'm so stupid, me Lard." " I'm—Look here, my good man, you've got to serve, so no more nonsense." And Boyd glared round the court to see if anyone completed what he had so incautiously commenced to say.

ALL OVER THE PLACE

ACCORDING to the writer in *Hibernia* another cause of the ruinous expense of Irish High Court litigation, which makes it a terror to all but the very rich or the very poor, is the practice of duplicating Senior Counsel in almost every case. His description of current conditions at the Irish Bar reads like a return to the great days when " the famous Q.C." was the central heroic figure in the English courts, men like the first Charles Russell or Edward Carson or Henry Hawkins or Serjeant Ballantine, engaged in half a dozen cases simultaneously and rushing from court to court to open a case here, to cross-examine a vital witness there, to make an impassioned closing speech to a jury somewhere else, to argue a difficult point of law before a reluctant judge in yet another court. In the long periods of their absence all their cases were kept going by ingenious juniors until the great man himself would burst in like shock troops on a battlefield at the crisis of the engagement. In England, with the passing of this almost mythical figure, there is a great deal less of that sort of thing. But apparently in Dublin the practice still flourishes. Most of the leading leaders multiply their commitments and insist that secondary leaders should be briefed to hold the line while they are engaged elsewhere. There is, of course, also the usual junior counsel in reserve, who may himself be called into action if the prolonged intermittent absences of his two leaders should happen to coincide. Long years of severance from England have not erased from the habits of the Irish Bar their inheritance from the English Bar. " Nolumus Mutare " is the motto of the King's Inns (Dublin's Inn of Court) and when daily refreshers can be earned so amicably and casually, why should the profession change ? Some share in the responsibility for this state of affairs must go to the infatuated clients themselves who, hypnotised by the newspaper publicity, will consent to be represented by none but the men in the news. All the same, the English Bar has lost something in the prestige of those overwhelming personalities. Russell, for example, who in the multiplicity of his cases and because a junior clerk had confused the papers, had once been on his feet for some time opening the wrong case in the wrong court before the judge felt confident enough to interrupt him tentatively. In emergencies you may want advocates whom nothing can overawe, and those were the conditions that produced them and built them up.

RICHARD ROE.

LOANS TO LOCAL AUTHORITIES

Ministry of Housing and Local Government circular No. 38/61 states that the following rates of interest apply to loans advanced to local authorities as defined in s. 10 of the Local Authorities Loans Act, 1945, from the local loans fund, as from 5th August last : 7½ per cent. on loans up to fifteen years and 7 per cent. on loans for more than fifteen years.

REVIEWS

Matrimonial Proceedings before Magistrates. By LESLIE M. PUGH, Solicitor, Stipendiary Magistrate of Huddersfield, with the collaboration of E. ROYDHOUSE, LL.B., of Gray's Inn, Barrister-at-Law. Reprinted from Butterworth's Annotated Legislation Service. pp. xxiv and (with Index) 308. 1961. London: Butterworth & Co. (Publishers), Ltd. £2 5s. net.

In this book the full text of the Matrimonial Proceedings (Magistrates' Courts) Act, 1960, is printed together with notes, and also many other relevant enactments and rules and orders, also with notes. This is a very useful compilation for practitioners, who will find here practically all they want in this respect. The notes are useful, though the print is uncomfortably small. An example of a useful note is one to the Maintenance Agreements Act, 1957, where it is pointed out that the maxima of £5 and £1 10s. in that Act have not been altered, though in other cases the maxima are now £7 10s. and £2 10s. This is a point a practitioner might easily miss. It is not said that these limitations can be circumvented by taking out a summons for wilful neglect to maintain.

Section 32 of the Matrimonial Causes Act, 1950, which deals with the privilege against self-incrimination in adultery, is, by the way, not a relevant enactment, as it applies only to the High Court. The relevant enactment for the magistrates' court is s. 3 of the Evidence Further Amendment Act, 1869, which is not printed.

Three-quarters of the book is devoted to statutes, rules and orders and notes, but there are sixty pages on the case law relating to matrimonial offences. This section is not up to the standard of the rest of the book. To be told on p. 65 that the complainant for an order for desertion must prove withdrawal by the guilty spouse from an existing state of cohabitation (which was said by Lord Penzance in *Fitzgerald* v. *Fitzgerald* (1869), L.R. 1 P. & D. 694, and is quoted in the text), and then to be told on p. 67 that there can, however, be desertion where there is no actual cohabitation brought to an end is, to say the least, confusing. Lord Penzance's statement has been criticised many times and is clearly not the law today. It is questionable, too, to say that cohabitation begins from the moment the marriage contract is completed. *De Laubenque* v. *De Laubenque* [1899] P. 42, which is quoted in support, merely decided that if a husband left his wife at the church door he could be found to be a deserter.

We are surprised to find no reference to the case of *Woolf* v. *Woolf* [1931] P. 134, in the Court of Appeal, which is the leading case on the subject of proof of adultery in hotel cases, whereas the decision of Karminski, J., in *Raspin* v. *Raspin* [1953] P. 230, which refers to a possible exception to the law laid down in *Woolf* v. *Woolf*, is referred to.

The strength of this book lies in the statutes and orders which are included, together with the valuable notes.

Derating and Rating Appeals. Volume 31—1960. Edited by F. A. AMIES, B.A., F.C.I.S., F.R.V.A., of Gray's Inn and the North Eastern Circuit, Barrister-at-Law. pp. xxiii and 964. 1961. London: The Solicitors' Law Stationery Society, Ltd. £4 10s. net.

Here in compact and convenient form are 114 cases on derating and rating, most of which were decided in the Lands Tribunal and superior courts during the last quarter of 1959 and in 1960, although some of the Scottish decisions included are of earlier date. A section of thirteen pages at the front of the work contains an analysis of decisions by subject-matter grouped into main divisions according to whether the cases were heard in the Lands Tribunal or superior courts or were Scottish cases. An alphabetical table of cases and index of subject-matter are included.

The Building Societies Act, 1960. By JOHN MILLS, O.B.E., B.A., of the Middle Temple and Lincoln's Inn, Barrister-at-Law, assisted by RICHARD SCOTT, of the Inner Temple, Barrister-at-Law. pp. xx and (with Index) 242. 1961. London: Stevens & Sons, Ltd. £2 10s. net.

There is little that can usefully be said of this book except that it contains an explanatory exposition of its titular Act and regulations made thereunder, with, it may be added, fairly full reference throughout to the background both of existing and of superseded or amended statutory provisions and case law. The Act itself and the regulations are reproduced with slight annotation in the first two of three appendices. The third appendix sets out draft rules of a society, also annotated. Nonetheless, Mr. Mills does not purport to deal fully with all the new legislation, much of it being outside the scope of his present purpose. Thus, for example, one should look elsewhere for a treatment of valuation requirements, "special advances," the registrar's powers, and appointment of auditors. Apart from being published in its own right, this book is designed as a companion to the comprehensive "Wurtzburg's Building Society Law," which was edited by Mr. Mills, replacing the four chapters thereof most immediately affected by the new legislation. Naturally, both the arrangement and writing of the text are clear.

Guide to Government Orders as at 31st December, 1960. pp. cxc and 1221. 1961. London: Her Majesty's Stationery Office. £6 6s. net.

Even the most demanding client cannot expect us to know the contents of the thousands of regulations made by Government departments under authority given by Parliament. Week after week we publish in our columns lists of the latest statutory instruments promulgated. Merely setting out the titles of the regulations consumes a relatively large amount of space. How is the busy solicitor ever to digest all this material? The answer is that he could not do so unaided, and should not try because Authority (by which this Guide is published) does so for him. Here are listed all current orders and regulations made up to and including 1960 arranged under subject headings. This edition contains such new headings as Betting and Gaming and Mental Health. Other headings have been re-written and re-cast, the latter group including Legal Aid and Advice. The Guide covers every statutory power to enact subordinate legislation which was in operation at the end of 1960 except for statutory rules and orders relating exclusively to Northern Ireland, which has its own heading. By the use of this invaluable work our demanding client's expectation, that at least we should know where to find out about the existence of regulations on any given subject, can be realised.

Taxation in Western Europe. A Guide for Industrialists. Third Edition. pp. v and 179. 1961. London: Federation of British Industries. £1 net.

This useful guide will be in great demand by those interesting themselves in the question of the proposed entry of this country into the Common Market. This edition brings last year's up to date and deals with specific changes made in the tax system of various countries, particularly Belgium, France, Sweden and the United Kingdom. Portugal and Spain are included in the book for the first time. The publication is described as "a guide for industrialists," but advisers of interested industrialists should also be aware of the information it contains.

"Taxation" Key to Income Tax and Surtax. Edited by PERCY F. HUGHES. 1961/62. Budget Edition. pp. (with Index) 247. 1961. London: Taxation Publishing Co., Ltd. 12s. 6d. net.

Whillans's Tax Tables and Tax Reckoner 1961–62. By GEORGE WHILLANS. July, 1961. London: Butterworth & Co. (Publishers), Ltd. 5s. 6d. per copy; reduced prices for bulk orders on application to publishers.

Few if any offices can manage without tax tables and most solicitors already know which presentation of the material they prefer. The "Taxation" Key to Income Tax contains very full information, with a useful thumb index enabling quick reference to be made to such varied subjects as tax rates and allowances; surtax; capital allowances; husband and wife, trustees, charities; and repayment claims, back duty. Whillans's Tax Tables show the liability at the various reduced rates and at standard rate as well as a gross equivalent table based on standard rate; other tables include calculations of "free of tax" annuities and national insurance contributions and benefits, P.A.Y.E. codes for the current tax year and a list of double taxation agreements.

NOTES OF CASES

*These notes are published by arrangement with the Council of Law Reporting. Except in respect of those marked *, full reports of the judgments, revised by the judges, will shortly appear in the Weekly Law Reports.*

Case Editor: J. D. PENNINGTON, Esq., Barrister-at-Law

Court of Appeal

MINES: TUBS STANDING IN HAULAGE ROAD: WHETHER SUPPORTING ROPE AN OBSTRUCTION

Cook *v.* National Coal Board

Lord Evershed, M.R., Harman and Donovan, L.JJ.

11th July, 1961

Appeal from Rotherham County Court.

The plaintiff was employed by the defendants, the National Coal Board, in a coal mine. In the course of his duties he had from time to time to cross a haulage road. The road had in it a track with rails laid on sleepers. At the time of his accident some tubs were standing on the track and the plaintiff, in crossing, tripped over the taut rope which held the tubs in position. The rope was four to five inches from the ground and about an inch above the top of the rails. The plaintiff was injured as a result of his fall and he claimed damages on the ground that his accident was due to the negligence or breach of statutory duty of the employer in leaving the rope in the centre of the haulage road. The county court judge held that the employer had not been guilty of common-law negligence but that the rope was an obstruction within s. 34 of the Mines and Quarries Act, 1954. The board appealed.

LORD EVERSHED, M.R., said that the question was whether, on the evidence, it could fairly be said that the rope, being where it was, was not in its proper place and should not have been there. He was not satisfied that that proposition was made good, and if that was so, then, although he quite agreed that a rope put across an ordinary plain pathway four or five inches from the ground would plainly be an obstruction, it seemed to him that the rope was being used as part of the tramway mechanism; he did not think, even when stringency was to be applied to the construction of the section, that it was in this case established that the rope in the position in which it was should be regarded as an obstruction within the section. He therefore concluded that the claim should have failed and that the action should have been dismissed.

HARMAN and DONOVAN, L.JJ., delivered concurring judgments. Appeal allowed; leave to appeal refused.

APPEARANCES: *E. Marven Everett*, Q.C., and *G. Milner* (*Donald H. Haslam*, for *C. M. H. Glover*, Doncaster); *Stanley Price*, Q.C., and *S. S. Gill* (*Raley & Pratt*, Barnsley).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law]

Chancery Division

PRACTICE AND PROCEDURE: PLEADING: TRAVERSE BY DEFENCE OF NEGATIVE ALLEGATION IN STATEMENT OF CLAIM: PARTICULARS

Chapple *v.* Electrical Trades Union and Others

Pennycuick, J. 26th July, 1961

Procedure summons.

In an action by a member of a trade union against the union and three of its officers for a declaration that the election of one of those officers was void, para. 7 of the statement of claim alleged that the defendants had failed to conduct the election in accordance with the rules and then gave particulars. By their defence the defendants denied the allegation. By this summons the plaintiff requested further and better particulars of the defence to para. 7 of the statement of claim.

PENNYCUICK, J., said that it was a well-recognised canon of pleading that a defendant need not, and indeed ought not to, plead to particulars, whether contained in, or delivered with, a statement of claim. It was often impossible to draw with precision the line between which material should be included in the body of a paragraph and which in the particulars under the paragraph, and a defendant should not be required to plead to particulars merely because they could equally or more appropriately have been included in the body of the statement of claim. The application therefore failed on this ground. Further, the traverse in the defence was the simplest possible traverse of the negative allegation and, as it was impossible to read into it any affirmative allegation beyond that which was necessarily implied from the traverse of that negative allegation, the application failed on that ground also. Application dismissed.

APPEARANCES: *F. Maurice Drake* (*C. Grobel, Son & Co.*); *Ralph Millner* (*Seifert, Sedley & Co.*, for *M. A. Tarlo*, Hayes, Kent).

[Reported by Miss M. G. THOMAS, Barrister-at-Law]

PROCEDURE: ACTION TO PUT ASIDE JUDGMENT UNDER R.S.C., ORDER 14A: APPLICATION TO STRIKE OUT

Dsane *v.* Hagan and Another

Buckley, J. 26th July, 1961

Procedure summons.

In September, 1957, a vendor agreed to sell certain freehold property to the defendants. In January, 1958, the defendants began an action against the vendor for specific performance of the contract. The vendor did not enter an appearance and, in April, 1958, the defendants obtained judgment under R.S.C., Ord. 14A. The vendor died in October, 1959. The plaintiff, the personal representative of the vendor, brought an action to have the judgment and the contract set aside. The statement of claim alleged that, at the time of the contract, as the defendants knew, the deceased vendor, by reason of mental disorder, lacked capacity to contract; alternatively, that the contract was obtained by undue influence. There was no allegation of irregularity in the obtaining of the judgment. The defendants applied to have the statement of claim struck out, contending that the judgment in the specific performance action was final unless it could be set aside either (*a*) under R.S.C., Ord. 27, r. 15, as a judgment by default (in which case the plaintiff should apply in the action under that rule), or (*b*) as having been obtained by fraud.

BUCKLEY, J., said that "judgment by default" in R.S.C., Ord. 27, r. 15, indicated a judgment obtained by a plaintiff in reliance on some default on the part of the defendant in respect of something which he was directed to do by the rules. It was irrelevant to a judgment obtained under Ord. 14A whether the defendant had entered an appearance or not. Such a judgment was not a "judgment by default" within Ord. 27, r. 15, so that if the plaintiff had applied under that rule in the specific performance action to have the judgment set aside the court would have had no jurisdiction to accede to the application. It followed that the plaintiff could only get the judgment set aside on appeal or in proceedings by writ. Fraud was not the only ground

on which a judgment which was not a judgment by default would be set aside. If the contract had been obtained by fraud or was to the knowledge of the defendants unenforceable for lack of capacity they were guilty of deceiving the court on the hearing of the summons under Ord. 14A. In the circumstances, it would be wrong to put an end to the action *in limine*. Defendants' summons dismissed.

APPEARANCES: *Michael Browne* (*Sampson & Co.*); *A. Leolin Price* (*D. H. P. Levy & Co.*).

[Reported by Miss V. A. MOXON, Barrister-at-Law]

Queen's Bench Division

CONFLICT OF LAWS: FOREIGN JUDGMENT AGAINST PARTNERSHIP FIRM: WHETHER RECOGNISED BY ENGLISH COURTS: WHETHER ENFORCEABLE AGAINST SLEEPING PARTNER

Blohn *v.* Desser and Others

Diplock, J. 3rd May, 1961

Action.

The plaintiff, an Austrian resident in Vienna, suing on a bill of exchange, obtained in the Commercial Court of Vienna a judgment against a partnership firm there. The defendant was a partner in the firm and her name was registered as such in the commercial register in Vienna, but she was only a sleeping partner, receiving no income from the firm, and at all material times was resident in England. The plaintiff brought an action against the defendant personally in England on, *inter alia*, the Austrian judgment. By Austrian law, although the firm had no separate legal personality, the judgment was not a judgment against the partners personally, and in order to render her personally liable a further action would have had to be brought against the defendant, when various personal defences not concluded by the judgment would have been available. The defendant did not seek to raise those defences in the present action. The defendant contended that the judgment of the Austrian court was not binding on or enforceable against her.

DIPLOCK, J., said that the defendant, as a partner in the firm, must be regarded as having carried on business in Vienna through an agent resident there, and, having permitted those matters to be notified to persons dealing with the firm by registration in a public register, she had impliedly agreed with those persons to submit to the jurisdiction of the court of Vienna, and therefore the English courts would recognise the judgment of the court of Vienna. But the judgment against the partnership firm was not enforceable against the defendant as it was neither a judgment against her personally nor, by reason of the defences which would be open to her in Vienna, was it a final and conclusive judgment; consequently, it was not enforceable here. Judgment for the defendant.

APPEARANCES: *P. Sieghart* (*Cecil Altman & Co.*); *L. Caplan*, Q.C., and *H. Lester* (*J. F. Beer*).

[Reported by Miss LUCILLE FUNG, Barrister-at-Law]

TOWN AND COUNTRY PLANNING: ENFORCEMENT NOTICE: DELAY IN REFUSAL OF PLANNING PERMISSION

Edwick *v.* Sunbury-on-Thames Urban District Council and Another

Salmon, J. 26th June, 1961

Action.

The plaintiff, the owner of certain land at Ashford Common, Middlesex, had been using part of his land for the display and sale of second-hand motor cars without planning permission. On 16th August, 1957, the local planning authority, on behalf of the Middlesex County Council, served on the plaintiff an enforcement notice to discontinue the user of the land. On 10th September, 1957, the plaintiff applied for planning permission to use the land in the same way. On 7th January, 1960, the planning authority purported to give notice to the plaintiff that his application had been refused. The plaintiff, contending that, since notification of the refusal of planning permission had been given more than two years after the application instead of within the period of two or three months required by paras. (8) and (9) of art. 5 of the Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950, the notices of 10th September, 1957, and 7th January, 1960, were void, sought a declaration to that effect.

SALMON, J., said that the language of art. 5, paras. (8) and (9), strongly suggested that the intention was that the words should be mandatory rather than directory. He accepted the argument for the plaintiff that, unless those words were mandatory, it would mean that a local authority could delay for a long time and, in five or perhaps ten years after the land had been used in the way in which it was used before the enforcement notice, it could suddenly publish a decision and enforce a notice which had been a dead letter for a long time. It did not follow from the present decision that all the provisions in art. 5 were mandatory; each paragraph must be construed by itself. The enforcement notice was void and of no effect. Judgment for the plaintiff.

APPEARANCES: *Richard Bingham*, Q.C., and *G. B. H. Currie* (*I. A. Landy, Laufer & Co.*); *J. Ramsay Willis*, Q.C., and *G. J. Ponsonby* (*Kenneth Goodacre*).

[Reported by Miss H. STEINBERG, Barrister-at-Law] [3 W.L.R. 553

TOWN AND COUNTRY PLANNING: PRESERVATION ORDER: RELEVANCE OF SURROUNDINGS

Iveagh and Others *v.* Minister of Housing and Local Government and Another

Megaw, J. 30th June, 1961

Application.

The applicants owned two houses on the north side of St. James's Square, London, which they wished to demolish and replace, in respect of which the London County Council made a preservation order under s. 29 of the Town and Country Planning Act, 1947. The Minister confirmed that order, stating, in a letter containing his reasons for his decision, that the buildings were of special architectural or historical interest within s. 29 " in their context " and that to destroy them would impair the quality of the remainder of the corner of the square. The applicants applied to the court to quash the order on the ground that the Minister had exceeded his powers by taking into account matters which he was not entitled to take into account in that, in assessing the architectural and historic interest, he was entitled to look only at the two houses themselves and could not consider them in relation to their surroundings.

MEGAW, J., said that in many cases it was impossible to divorce the architectural merit of a building from its surroundings, and it would be wrong to say that in no circumstances could the architectural interest be increased by the building's surroundings. As to impairment of the surroundings, had that been the sole basis of the decision, it would have been wrong, but where it was stated among other reasons, it was to be regarded as an evidential factor. A building with no architectural merit of its own could not acquire such merits simply by reason of the effect of its destruction on its surroundings, but if it had architectural merit itself, any adverse effect which its demolition might have on the area could be taken into account in assessing the degree of the architectural merit which the building itself had. The Minister, therefore, had not applied a test which was necessarily wrong, nor had he taken into account a factor which he could not properly take into account, and the application failed. It was

essential for letters giving reasons for decisions to be clear and precise, otherwise the purpose of s. 12 of the Tribunals and Inquiries Act, 1958, would be defeated, but the statement of the Minister's reasons in this case could not be regarded as having achieved the desired standard of clarity and precision: the applicants must pay the costs of the London County Council but not those of the Minister. Application dismissed.

APPEARANCES: *J. Ramsay Willis*, Q.C., *W. Glover* and *John Taylor* (*Travers Smith, Braithwaite & Co.*); *J. R. Cumming-Bruce* (*Solicitor, Ministry of Housing and Local Government*); *Stuart Daniel*, Q.C., and *Anthony Butcher* (*J. G. Barr*).

[Reported by Miss LUCILLE FUNG, Barrister-at-Law]

NEGLIGENCE: LAND ADJOINING BUSY ROAD: FOOTBALL KICKED ON TO ROAD CAUSING ACCIDENT: LIABILITY OF OCCUPIER

Hilder *v.* Associated Portland Cement Manufacturers, Ltd.

Ashworth, J. 20th July, 1961

Action.

Since 1955 the defendants had expressly permitted small boys to play football on a piece of land of which they were owners and occupiers. From time to time, though not frequently, footballs were kicked over a low wall into a busy highway adjoining the land. On one such occasion a football kicked into the road caused a passing motor-cyclist to fall off and receive fatal injuries. His widow sued the defendants for damages, alleging negligence in that they had failed to take measures to prevent possible damage arising from the activities of persons whom they had permitted to use their land.

ASHWORTH, J., said that it had been said in *Bolton v. Stone* [1951] A.C. 850, that the difficulty of remedial measures was irrelevant on the issue of liability, but in the present case it would have been a simple matter to fix wire netting to the wall or to tell the boys to kick the football in the other direction. What he had to ask himself, however, was whether the defendants were shown to have failed to take reasonable care in the circumstances. The proximity of the road, the amount of traffic, the age of the children, the nature of their amusements, the frequency with which the land was used were matters which a reasonable man in the position of the defendants must have considered. In addition, in accordance with the test laid down in *Bolton* v. *Stone*, *supra*, he must consider first whether there was any risk of damage to persons using the road as a result of the children's activities, and, secondly, whether the risk was so small that a reasonable man could rightly refrain from taking steps to prevent the danger. A reasonable man would have concluded in the present case that there was such a risk and that it was not so small that he could safely disregard it. Accordingly, his lordship found that the defendants had failed to take reasonable care in all the circumstances and that the claim succeeded. Judgment for the plaintiff.

APPEARANCES: *F. W. Beney*, Q.C., and *Arthur Skeffington* (*Rowley Ashworth & Co.*); *R. B. Gibson* (*Neil Maclean & Co.*).

[Reported by PIERS HERBERT, Esq., Barrister-at-Law]

Probate, Divorce and Admiralty Division

HUSBAND AND WIFE: WIFE DISCOVERING PAST ADULTERY BY HUSBAND: WHETHER WIFE JUSTIFIED IN LEAVING HUSBAND

Kemp *v.* Kemp

Lord Merriman, P., and Baker, J. 3rd May, 1961

Appeal from magistrates.

The parties were married in 1942. In July, 1960, the wife left the husband, by reason of his having committed adultery, and complained to magistrates for a maintenance order on the ground of the husband's constructive desertion. The husband's adultery had been committed just over six months prior to the date of the wife's complaint to the magistrates. The wife's complaint was dismissed, and she appealed.

LORD MERRIMAN, P., said that it was not a proposition of law of general application that a spouse who sought to justify leaving the other spouse because of the latter's adultery, or because of a reasonable belief in the latter's adultery, must show that the adultery, or the conduct giving rise to the belief in adultery, was persisted in until the complaining spouse left. Certain passages in his lordship's judgment in *Teall* v. *Teall* [1938] P. 250, at pp. 252, 256, which lent support for that view, were too wide. As the magistrates might not have fully appreciated the legal issues involved, the case must be remitted for rehearing.

BAKER, J., delivered a concurring judgment. Case remitted.

APPEARANCES: *Mark Smith* (*Robinson & Bradley*, for *Whittle & Whittaker*, Colne); *P. A. Hayward* (*Janson, Cobb, Pearson & Co.*, for *Farnworth & Watson*, Nelson).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law] [1 W.L.R. 1030

HUSBAND AND WIFE: MUSLIM DIVORCE: WHETHER RECOGNISED BY ENGLISH LAW

***Soegito *v.* Soegito**

Judge Rewcastle, Q.C. (sitting as a Special Commissioner) 27th July, 1961

Undefended suit.

The parties were married in 1945, at a Glasgow register office, the husband being a Javanese, and a Mahomedan, and the wife a Scotswoman. After the marriage, the parties lived in Java, where, in 1948, the husband "renounced" the wife at a ceremony before two Muslim priests. At that time, the parties were domiciled in Java. The wife petitioned for a declaration that the marriage had been validly dissolved by the ceremony in Java in 1948; alternatively, for divorce. At the hearing expert evidence was given that the ceremony in Java, if duly recorded, was, in Indonesian law, valid to dissolve the marriage, the husband being a Mahomedan.

JUDGE REWCASTLE said that, in accordance with the principle laid down in *R.* v. *Superintendent Registrar of Marriages, Hammersmith* [1917] 1 K.B. 634, even though the ceremony in question were a valid mode of dissolving a Mahomedan marriage according to Mahomedan law, it could not validly dissolve the marriage in Scotland according to English law. The declaration would therefore be refused, the wife being granted a decree nisi of divorce on the ground of adultery by the husband.

APPEARANCES: *S. Seuffert* (*R. W. Platt*, Tooting, S.W.17).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

DIVORCE: CRUELTY: OBSESSIONAL NEUROSIS

Alway *v.* Alway

Judge Leslie, sitting as a Divorce Commissioner 31st July, 1961

Suit for divorce.

A husband petitioned for divorce on the ground of the wife's cruelty. The husband's case was that in 1955, three years after the marriage, the wife developed an obsession about cleanliness and hygiene. She would use only pre-packed food; the preparation of food was interrupted by frequent disinfection and repeated washing; there was so much ritual surrounding the household tasks performed by the wife that the husband found it much quicker and easier to do the housework himself; and the wife took so long to get ready for bed at night that the husband was seriously deprived of sleep. The wife's behaviour imposed such a strain on the husband that his health was affected. Medical

evidence was given that the wife suffered from an obsessional neurosis. The suit was undefended and was adjourned for the assistance of argument on behalf of the Queen's Proctor.

JUDGE LESLIE said that counsel for the Queen's Proctor had submitted: (1) that the state of the wife's health was a relevant consideration on the question whether her behaviour constituted legal cruelty; (2) that a spouse could not be held guilty of cruelty on the basis of acts committed whilst that spouse was insane within the McNaghten Rules; (3) that there was no half-way house between sanity and insanity, analogous to the condition of diminished responsibility in homicide cases in the criminal law; (4) that no impulse could be regarded as irresistible, unless the person concerned was insane within the McNaghten Rules; (5) that the presence of a malignant intent was not an essential ingredient in legal cruelty; (6) that the presumption that a person intended the natural consequences of his acts was applicable, but it was a rebuttable presumption. His lordship accepted those propositions as correct statements of law. Applying them to the present case, although the wife's conduct was due to illness, it was not due to insanity within the McNaghten Rules. She must have known that her actions would have a deleterious effect upon her husband's health. Her acts were not intended to harm the husband, but they were intentional acts which were likely to harm him, and did in fact do so. She has not rebutted the presumption that she intended the natural consequences of her acts. In the result, her conduct amounted in law to cruelty and the husband was entitled to a decree nisi.

APPEARANCES: Mrs. *Margaret Puxon* (*Woodroffes*); *A. B. Hollis* (*Blacket Gill & Co.*); *N. H. Curtis-Raleigh* (*Queen's Proctor*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

HUSBAND AND WIFE: UNDERTAKING NOT TO MOLEST: METHOD OF ENFORCEMENT

***Laker *v.* Laker**

Scarman, J. 31st July, 1961

Summons.

A wife applied for leave to issue a writ of attachment against her husband, and alternatively for an order committing him to prison, for contempt of court in breaking an undertaking given by him to the court in May, 1961, that he would not molest the wife or visit her address. It was submitted on behalf of the husband that the application was ill-founded, in that no copy of any order of the court endorsed with a penal notice had been served on him in accordance with r. 64 (2) of the Matrimonial Causes Rules, 1957, and further, that the affidavits filed on behalf of the wife contained irrelevant matter relating to questions of access to the children of the family and should be removed from the file.

SCARMAN, J., said that, the husband having given an undertaking to the court on the earlier occasion, there was no order of the court and the requirements of service of orders laid down in r. 64 (2) did not apply. It was, however, wrong to mingle, in affidavits filed in support of a summons to commit a person to prison, matters touching questions of access to children. The court dealt with applications to commit in open court, but would desire to deal with matters relating to access to children in chambers. It was a disservice to the family and to the children to seek to introduce matters relating to access in open court. All the averments in the affidavits relating to access would be ordered to be struck out. In the circumstances, the court would make no order on the summons, but would order that the terms of the husband's previous undertaking be embodied in an order restraining him from molesting the wife and from visiting the premises where she resided. Judgment accordingly.

APPEARANCES: *J. M. Drinkwater* (*Arthur Shepley*, Walton-on-Thames); *Colin Sleeman* (*Rider, Heaton, Meredith & Mills*).

[Reported by D. R. ELLISON, Esq., Barrister-at-Law]

Court of Criminal Appeal

CRIMINAL LAW: SENTENCE: PREVENTIVE DETENTION FOR DANGEROUS DRIVING: HOSPITAL ORDER

R. v. Higginbotham

Glyn-Jones, Howard and Megaw, JJ. 15th August, 1961

Appeal from Hampshire Quarter Sessions.

The appellant, who had a long record of previous convictions, was charged in December, 1960, with garage-breaking and taking a motor vehicle without consent. In view of his record, and on medical evidence that he was suffering from a psychopathic disorder, a restrictive hospital order was made under ss. 60 and 65 of the Mental Health Act, 1959, under which he was sent to a mental hospital. The psychiatrist who examined him decided that his mental state did not require his detention in hospital, and permitted him to move about freely and work in the hospital gardens, putting him on his honour not to go outside the grounds. On 13th May, 1961, the appellant walked out, took a car and drove it dangerously up a main road, colliding with an omnibus and wrecking the car completely. On 19th June, 1961, he came before the same court and, on pleading guilty, was sentenced to twelve months' imprisonment for taking the car and to eight years' preventive detention on the count of driving dangerously. He appealed against the sentence.

GLYN-JONES, J., giving the judgment of the court, said that, though the appellant's long and bad record of crime had not hitherto included the offence of dangerous driving, he had amply demonstrated that the public were not safe from his crimes, and this was therefore a proper case for preventive detention. The appellant thought that it was being imposed for his past crimes, since the maximum sentences for the two offences to which he had pleaded guilty would have been three years. But there was and must be a punitive element in a sentence of preventive detention, and such sentences were normally for a term exceeding that which would be appropriate as a punishment, the excess being imposed not to punish the offender but to protect the public. As to the hospital order, the person in respect of whom such an order was made was received into the hospital not as a criminal but as a patient. It was unsafe, therefore, for courts to assume that an order under ss. 60 and 65 was sufficient by itself to ensure that the convicted person would be kept in safe custody. Before making such an order, the courts must ascertain which mental hospital could receive the person and whether it was an institution where patients could be kept in safe custody. If there were no vacancy in such an institution, it should be pointed out that the court's powers to make a hospital order were permissive and not mandatory. If it was necessary for the protection of the public that the accused man should be incarcerated, the court should use its ordinary penal jurisdiction and leave it to the medical authorities to arrange for any necessary treatment in some place where the man could be kept in custody so that the kind of thing which had happened in this case could be avoided. Appeal dismissed.

APPEARANCES: *N. R. Blaker* (*Registrar, Court of Criminal Appeal*).

[Reported by Miss M. M. HILL, Barrister-at-Law]

Courts-Martial Appeal Court

MILITARY LAW: CHARGE OF GRIEVOUS BODILY HARM "WITH INTENT TO DO . . . GRIEVOUS BODILY HARM OR TO MAIM, DISFIGURE OR DISABLE": DUPLICITY

R. *v.* Naismith

Ashworth, Paull and Elwes, JJ. 17th May, 1961

Appeal against conviction.

The appellant was convicted at a general court-martial on a charge sheet stating: "Charge: committing a civil offence contrary to s. 70 of the Army Act, 1955, that is to say, causing grievous bodily harm with intent contrary to s. 18 of the Offences against the Person Act, 1861, and that he . . . caused grievous bodily harm to [another] with intent to do him grievous bodily harm or to maim, disfigure or disable him." The appellant appealed on the ground that the charge was bad for duplicity, in that more than one intent had been alleged, contrary to r. 15 of the Rules of Procedure (Army), 1956.

ASHWORTH, J., said that there was a distinction between a section creating two or more offences and one creating one offence, but providing that that offence might be committed in more ways than one. The intents specified in s. 18 were variations of method rather than creations of separate offences in themselves; although the three species of assaults mentioned in the section were each in themselves different offences, the difference did not affect the case, because the only act or species of assault alleged was causing grievous bodily harm. Had the charge been a matter of a count in an indictment it would not have been open to objection. Rule 15 (4) of the Rules of Procedure (Army), 1956, contemplated that the form of the charge should be such as would be sufficient for a civil court, and this charge sheet, having stated the accusation, went on to specify the particular offence in a way which would have been sufficient had the trial been before a civil court. The charge was good so far as a civil court was concerned and accordingly the appeal must fail. Appeal dismissed.

APPEARANCES: *A. Dawson* (*Registrar, Courts-Martial Appeal Court*); *E. Garth Moore* (*Director of Army Legal Services*).

[Reported by Miss J. F. LAMB, Barrister-at-Law] [1 W.L.R. 982

IN WESTMINSTER AND WHITEHALL

STATUTORY INSTRUMENTS

Act of Sederunt (Legal Aid Rules) (Amendment), 1961. (S.I. 1961 No. 1549 (S. 94).) 4d.

Betting Levy Act, 1961 (Commencement) Order, 1961. (S.I. 1961 No. 1545 (C. 12).) 5d.

Betting Levy (Bookmakers' Committee) Regulations, 1961. (S.I. 1961 No. 1546.) 5d.

Betting Levy (Particulars of Bookmakers' Permits) Regulations, 1961. (S.I. 1961 No. 1547.) 5d.

Bolton and District Joint Sewerage Order, 1961. (S.I. 1961 No. 1556.) 5d.

County Court (Amendment) Rules, 1961. (S.I. 1961 No. 1526.) 8d. See p. 691, *ante*.

Essex River Board (Transfer of Powers of the Brooklands Internal Drainage Board) Order, 1961. (S.I. 1961 No. 1557.) 5d.

Foreign Compensation Commission (Egyptian Claims) (Amendment) Rules, 1961. (S.I. 1961 No. 1527.) 5d. See p. 696, *ante*.

Invergarry–Kyle of Lochalsh Trunk Road (Eas-nan-Arm and Other Diversions) Order, 1961. (S.I. 1961 No. 1531 (S. 93).) 5d.

Legal Aid (Scotland) Act, 1949 (Commencement) (No. 6) Order, 1961. (S.I. 1961 No. 1491 (C. 10) (S. 90).) 4d.

London (Waiting and Loading) (Brompton Road to Great West Road) (Clearway) Regulations, 1961. (S.I. 1961 No. 1532. 1s. 2d.

London (Waiting and Loading) (Restriction) (Amendment) (No. 4) Regulations, 1961. (S.I. 1961 No. 1534.) 6d.

London (Waiting and Loading) (Temporary Restriction) (Amendment) (No. 4) Regulations, 1961. (S.I. 1961 No. 1533.) 5d.

London Parking Zones (Waiting and Loading) (Restriction) (Amendment) (No. 5) Regulations, 1961. (S.I. 1961 No. 1529.) 5d.

National Health Service (Superannuation) Regulations, 1961. (S.I. 1961 No. 1441.) 3s. 11d.

National Health Service (Superannuation) (Scotland) Regulations, 1961. (S.I. 1961 No. 1398 (S. 87).) 3s. 11d.

National Insurance (Germany) Order, 1961. (S.I. 1961 No. 1513.) 8d.

Orkney County Council (Loch Saintear, Westray) Water Order, 1961. (S.I. 1961 No. 1564 (S. 95).) 5d.

Ryedale Joint Water (Amendment) (No. 2) Order, 1961. (S.I. 1961 No. 1530.) 11d.

Seeds Mixtures General Licence (Scotland), 1961. (S.I. 1961 No. 1515 (S. 92).) 5d.

Stopping up of Highways Orders, 1961:—

County Borough of Barnsley (No. 3). (S.I. 1961 No. 1559.) 5d.
County Borough of Barnsley (No. 4). (S.I. 1961 No. 1560.) 5d.
City and County Borough of Birmingham (No. 9). (S.I. 1961 No. 1550.) 5d.
City and County of Bristol (No. 8). (S.I. 1961 No. 1551.) 5d.
County of Chester (No. 15). (S.I. 1961 No. 1552.) 5d.
County of Chester (No. 16). (S.I. 1961 No. 1553.) 5d.
County of Chester (No. 17). (S.I. 1961 No. 1558.) 5d.
County of Cornwall (No. 3). (S.I. 1961 No. 1561.) 5d.
County of Devon (No. 2). (S.I. 1961 No. 1535.) 5d.
County of Gloucester (No. 9). (S.I. 1961 No. 1562.) 5d.
County of Lancaster (No. 26). (S.I. 1961 No. 1539.) 5d.
London (No. 23). (S.I. 1961 No. 1536.) 5d.
London (No. 33). (S.I. 1961 No. 1554.) 5d.
City and County Borough of Sheffield (No. 4). (S.I. 1961 No. 1537.) 5d.
County of Stafford (No. 3). (S.I. 1961 No. 1540.) 5d.
County of Worcester (No. 5). (S.I. 1961 No. 1563.) 5d.
County of York, West Riding (No. 19). (S.I. 1961 No. 1538.) 5d.

Superannuation (Teaching and Public Boards) (Scotland) Rules, 1961. (S.I. 1961 No. 1566 (S. 96).) 8d.

SELECTED APPOINTED DAYS

August	
11th	Building Society (Amendment) Rules, 1960. (S.I. 1960 No. 1237.)
13th	Wages Regulation (Licensed Non-residential Establishment) Order, 1961. (S.I. 1961 No. 1347.)
15th	Ionising Radiations (Sealed Sources) Regulations, 1961. (S.I. 1961 No. 1470.)
19th	Consumer Protection Act, 1961.
	Flood Prevention (Scotland) Act, 1961.
	Public Authorities (Allowances) Act, 1961, ss. 1, 2, 3, 7, 8 and 9.
21st	Motor Vehicles (Third Party Risks) Regulations, 1961. (S.I. 1961 No. 1465.)
27th	Credit-Sale Agreements (Scotland) Act, 1961.
	Crofters (Scotland) Act, 1961, *except* s. 12.
	Mock Auctions Act, 1961.
	Trusts (Scotland) Act, 1961.

September

1st — Betting Levy Act, 1961, *except* ss. 2 (1) (*a*) and (*d*) (in part), (2) (*c*) and (*d*), 7 (6) and (7), and 8; and *except* for the purposes of collecting monetary contributions from bookmakers and the Totalisator Board.

Betting Levy (Bookmakers' Committee) Regulations, 1961. (S.I. 1961 No. 1546.)

Betting Levy (Particulars of Bookmakers' Permits) Regulations, 1961. (S.I. 1961 No. 1547.)

Removal of Vehicles (England and Wales) Regulations, 1961. (S.I. 1961 No. 1462.)

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of " The Solicitors' Journal "]

Remuneration

Sir,—Coming up in the train this morning I read Mr Maunsell's article in your issue of 26th May (p. 459), and the thought which at once occurred to me was that most of the deficiencies of which he complains would disappear if only solicitors were properly paid. They would then be able (*a*) to contemplate with equanimity the possibility that when the volume of work temporarily falls off, as sometimes it must, some of their staff might be less than overworked; instead of expecting their clients to contemplate with equanimity the certainty that when the volume of work temporarily increases they may have to wait for weeks for the simplest problem to be dealt with by their solicitors: and (*b*) to pay their staffs adequately and so put an end to the chronic under-staffing of which Mr. Maunsell complains and make possible the happy state of affairs described above.

I have made no attempt to select particularly striking examples of the inadequacy of solicitors' remuneration and I merely quote some conveyancing matters which have come to my attention within the last few days. In one set of ten sales for whose proceeds I have recently accounted to my clients, the total scale costs have amounted to £116 5s. The proportion of unregistered to registered transactions (3 to 7) was probably at least as high as the average for the London area; if it had been lower the scale fees would of course have averaged even less than £11 12s. 6d. per transaction. The total agents' commissions were £220.

On two other sales of unregistered land which I have just completed the scale fees of £117 15s. and £62 17s. 6d. at first sight look more satisfactory. One then finds that the agents' commissions are £250 15s. and £214 respectively and one reflects that (quite apart from any question of the amount of work or the amount of skill required in the two professions) solicitors no less than agents have to pay their rent and salaries and other overheads at present-day rates. The fact is that the agents' commissions are in keeping with these rates while solicitors' costs are still related to the expenses of 1939 if not of 1883.

In the case of the batch of small sales mentioned above I have suggested to my clients that they might agree to a minimum charge of £15 15s. for registered and £21 for unregistered land, which would bring the total costs for the ten sales to £174 10s.—still a good deal less than the agents' commissions. My clients are showing no undue haste in replying to this suggestion, and why indeed should they be in a hurry to pay more than the advertised rate for the job? Why, for that matter, should I have to ask for charity, which is what I am doing?

I propose to ask you to publish this letter without my name or the name of my firm, because I have no doubt there are numerous solicitors in London who find their practices more profitable than I find mine and I have no wish to invite comparisons with them. I have little doubt, however, that they are solicitors doing what one describes loosely as " the big stuff " and I doubt if they know much about the problems of my practice. This is a small family practice, which means that my clients are precisely the kind of people whom Mr. Maunsell rightly thinks the profession should be able to attract in greater numbers than it does now and whom it will not be able to attract until it is properly paid.

If he were not a solicitor the reader might perhaps wonder whether my troubles are due to loss of clients caused by inadequate service. But I am complaining of overwork not underwork, and I do not think I am being either immodest or inaccurate in claiming that my staff and I provide a better than average service for our clients. This indeed is one reason why we find our work so unprofitable. We could no doubt render it more profitable by lowering the quality of the service we provide, but this would hardly further the object of attracting more clients either to this office or to the profession generally. It could be, again, that this office is inefficient. I do not believe it is, but if it is then efficient estate agents are grossly overpaid.

I have been struggling recently to keep up with a large volume of conveyancing after the departure of my conveyancing assistant, who, as things are now, looks very much like being irreplaceable. The reason it is almost impossible to find a replacement is that the profession has been so unprofitable for so long that there have not been enough entrants at any level. If I had not been so overworked I should no doubt have been able to read Mr. Maunsell's article when it was published instead of three months later; I should also have stipulated in advance for increased fees, as I intended to do, in the small conveyancing matters mentioned above instead of asking for charity after their completion; and I should have been able to give better service to my clients.

A SOLICITOR.

London, W.C.

17th August, 1961.

Waiting Rooms

Sir,—With reference to your last week's article on this subject (p. 701), P. G. Wodehouse deposits a character in " Something Fresh " in the W.-R. of Messrs. Mainprice, Mainprice & Boole. It must be at least twenty years since I read this work but, writing from memory, the relevant passage ran somewhat as follows: " The room had that air of desolation which only solicitors know how to achieve. The window was shut. It had been shut ever since some reckless Mainprice or hare-brained Boole had flung it open on hearing the glad tidings of the Battle of Waterloo, only to be instantly expelled from the firm." Or words to that effect.

I. K. FRASER.

Clerkenwell County Court,
London, N.1.

BETTING AND GAMING

The Betting Levy Act, 1961 (Commencement) Order, 1961 (S.I. 1961 No. 1545), provides for the coming into force of the Betting Levy Act, 1961, in three stages. Article 1 provides, subject to the exceptions mentioned below, that the Act shall come into force on 1st September, 1961. The provisions so brought into force include those relating to the establishment of a Levy Board and of a Bookmakers' Committee, and the reconstitution of the Racecourse Betting Control Board as the Totalisator Board. The provisions relating to the transfer of functions between, the accounts of, and reports by, the Levy Board and the Totalisator Board are excepted from art. 1 and are, by art. 2, brought into force on 1st January, 1962. In addition, art. 1 does not apply in so far as the purposes of assessing and collecting contributions from bookmakers and the Totalisator Board are concerned, and for these purposes art. 3 brings the Act into force on 1st April, 1962.

The Betting Levy (Bookmakers' Committee) Regulations, 1961 (S.I. 1961 No. 1546), in operation on 1st September, 1961, make provision for the constitution of the Bookmakers' Committee established under the Act.

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CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665-6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel. WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2641 (3 lines). And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Rayner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER SON & CREASEY, Chartered Surveyors, 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

(*Continued on p. xviii*)

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

East Ham.—HAMLETTS (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0546.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. Hil. 5252/3.

Hammersmith.—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel. 4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Roach, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road. Tel. VALentine 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green, Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.— WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15a St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton. — RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON, Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill (Ascot 1666), Windsor (Windsor 1) and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY, Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON, Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS, Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & SONS, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Aylesbury.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 2a & 4 Temple Square. Tel. 4633/4.

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common, Nr. Slough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, The Broadway. Tel. 1062/3.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 30 High Street. Tel. 2576/9.

BUCKINGHAMSHIRE (*continued*)

High Wycombe and South Bucks.—HUNT & NASH, Chartered Surveyors and Auctioneers, 15 Crendon Street. Tel. 884/5 (and at Slough).

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

North Bucks.—WOODHOUSE NEALE, SONS & CO, Estate Agents and Valuers, Estate Offices, Bletchley. Tel. 2201/2.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents. Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough.—HUNT & NASH, Chartered Surveyors. 7 Mackenzie Street, Slough. Tel. 23295 (3 lines), also at High Wycombe.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON (Est. 1885), Auctioneers and Surveyors, 8 Benett Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers. BIRKENHEAD (Tel. 1590); and at Liverpool.

Birkenhead and Wirral.—JAMES HARLAND & CO., Chartered Auctioneers, Chartered Surveyors and Estate Agents, Valuers, 46 Church Road, Birkenhead. Tel. 1597 (3 lines).

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester. — SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Werburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe. — HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

CORNWALL (*continued*)

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bodmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A. The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 451 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A. Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO. Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

(*Continued on p. xix*)

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the " Points in Practice " Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all

A SELECTION OF POINTS ARISING FROM THE PROVISIONS OF THE BETTING AND GAMING ACT, 1960

(*Continued from p. 710, ante*)

Gaming Machines—Applying Stakes for Payment of Rent of Machine—Section 17 of the Betting and Gaming Act, 1960.

Q. We act for a members' club which wishes to install a fruit machine on the club's premises, to which the general public do not have access; the fruit machine uses a sixpenny stake. If the club buys the machine it is intended to apply the stakes partly in paying out winnings to users of the machine and partly to supplement the general club funds. Would this be " for purposes other than private gain " within the meaning of s. 17 (2) (*c*) of the Betting and Gaming Act, 1960, or would it be for private gain and so constitute an offence ? If the club rents the machine, then a proportion of the stake money would be paid to the owner by way of rent. Is this contrary to the same subsection and would the position be different if a fixed rent were paid to the owner of the machine regardless of the amount staked ? Would the answer to the first question be different if the club were a proprietary club ?

A. With regard to your first question, if any part of the stakes should be used for supplementing the general club funds, the stakes hazarded would not be applied " for purposes other than private gain " : *Payne and Others* v. *Bradley*, p. 566, *ante*. In this connection, we can see no reason for distinguishing between a members' and a proprietary club. Similarly, if a proportion of the stake money should be paid to the owner of the machine by way of rent, it would be difficult to contend that the stakes were applied " for purposes other than private gain " within s. 17 (2) (*c*) of the Betting and Gaming Act, 1960. We can see no objection to the payment of a fixed rent to the owner provided that such rent is a charge on club funds and does not come out of the stakes hazarded on the machine : see " The New Law of Betting and Gaming," by Eddy and Loewe, p. 111.

" Bingo "—Organised by Sailing Club—Participation by Guests—Section 16 of the Betting and Gaming Act, 1960

Q. A small sailing club is already organising tombola sessions in the club-house. In the sessions already organised, the club does not take any percentage of the total stake and at present it only allows club members to partake in the games. When these games take place there are quite frequently a number of guests of members present in the club. All these guests are duly signed in when they enter the club-house and the proprietors of the tombola sessions are being pressed by members to allow their guests to partake in the game. Can they be allowed to do so ?

A. Yes, if they are bona fide guests of club members and the gaming is conducted in accordance with s. 16 of the Betting and Gaming Act, 1960 : ibid., s. 16 (7) (*c*) (ii).

" Bingo "—Organised by Political Club—Entrance Fee—" An Activity of a Club "—Section 16 of the Betting and Gaming Act, 1960

Q. We act for a Labour Party club which is registered under the Industrial and Provident Societies Acts, 1893 to 1928. Its objects are stated to be as follows : " The Club is established for the purpose of carrying on the business of club proprietors, by providing for the use of its members, and for such members of affiliated or kindred bodies or Clubs, as are admitted to honorary membership, the means of social intercourse, mutual helpfulness, mental or moral improvement, the discussion of and instruction in Labour Party principles, rational recreation, and the other advantages of a club." This club runs a weekly session of tombola to which are admitted not only members but also outside visitors. The whole of the stakes for each game are paid out as prize money, but in addition the club is intending to charge an entrance fee for each session and this money would be paid into the general funds of the club. The position is governed by s. 16 of the Betting and Gaming Act, 1960, and we should be obliged if you could let us know whether, if the club charged and applied an entrance fee as proposed, this would be within the exception contained in s. 16 (7) (*b*) and would so be lawful? Would the position be affected by the amount charged as entrance fee ? With regard to subs. (7) (*a*), is this a question of fact, and, if so, would a weekly session of tombola be sufficient to establish that gaming was carried on as an activity of the club ? If not, are the objects of the club sufficiently wide to allow such an activity ?

A. The intended arrangement would be in order if gaming is confined to club members who applied or were nominated for membership more than twenty-four hours before the gaming began and bona fide guests of such members : s. 16 (7) (*c*) of the Betting and Gaming Act, 1960. The amount of the entrance fee is immaterial. In our view, the gaming would be carried on as " an activity of a club " within s. 16 (7) (*a*) of the Act of 1960 as the club is a genuine one and not " of a merely temporary character " (ibid., s. 16 (7) (*d*)).

NOTES AND NEWS

NATIONAL SAVINGS CERTIFICATES AND TRUSTEES

The Trustee Investments Act, 1961, specifically authorises trustees to invest in national savings certificates. The Savings Certificates (Amendment) Regulations, 1961 (S.I. 1961 No. 1528), in operation on 11th August, amend the Savings Certificates Regulations, 1933, so as to facilitate the holding of certificates by trustees. The principal changes are :—

(1) Certificates may be purchased and held by trustees in their own names. Previously certificates might be purchased by a trustee on behalf of a named beneficiary and held in the joint names of the trustee and the beneficiary, and this alternative method of holding is still to be permitted.

(2) A holder is to be allowed, for the purpose of calculating his maximum permitted holdings, to count the certificates he holds in his personal capacity separately from those he holds as a trustee or as a beneficiary jointly with a trustee, and his holdings in respect of different trust funds separately from each other.

DOUBLE TAXATION—PORTUGAL

A double taxation agreement between the United Kingdom and Portugal was signed in Lisbon on 31st July. The agreement, which is subject to ratification, provides for the avoidance of double taxation of shipping and air transport profits, and is expressed to take effect in the United Kingdom from 1st April, 1952.

VOTIVE MASS

A Votive Mass of the Holy Ghost (The Red Mass) will be celebrated on Monday, 2nd October, 1961 (on the occasion of the opening of the Michaelmas Law Term) at 11.30 a.m., in the presence of His Eminence Cardinal Godfrey, Archbishop of Westminster, at Westminster Cathedral. Celebrant : The Rt. Reverend Monsignor Duchemin. Counsel will robe in the chapter room before entering the cathedral in procession. Seats immediately behind counsel are reserved for solicitors. Seats on the epistle side will be allocated for families and friends of members of the legal profession.

HIGH COURT OF JUSTICE: LONG VACATION, 1961

NOTICE

During the remainder of the vacation, from Friday, 1st September, to Saturday, 30th September, all applications "which may require to be immediately or promptly heard" are to be made to the Hon. Mr. Justice Plowman.

No application which does not fall strictly within this category will be dealt with.

CHANCERY DIVISION

Court business.—The Hon. Mr. Justice Plowman will sit in Queen's Bench Court II, Royal Courts of Justice, at 10.30 o'clock on Wednesdays, 6th, 13th, 20th and 27th September, for the purpose of hearing such applications of the above nature as, according to the practice in the Chancery Division, are usually heard in court.

Papers for use in court.—The following papers for the Vacation Judge are required to be left with the cause clerk in attendance at the Chancery Registrars' Office, Room 136, Royal Courts of Justice, before 1 o'clock, two days previous to the day on which the application to the judge is intended to be made:—

(1) Counsel's certificate of urgency or note of special leave granted by the judge.

(2) Two copies of notice of motion, one bearing a 5s. impressed stamp.

(3) Two copies of writ and two copies of pleadings (if any).

(4) Office copy affidavits in support and in answer (if any).

No case will be placed in the judge's paper unless leave has been previously obtained or a certificate of counsel that the case requires to be immediately or promptly heard, and stating concisely the reasons, is left with the papers.

N.B.—Solicitors are requested, when the application has been disposed of, to apply at once to the judge's clerk in court for the return of their papers.

QUEEN'S BENCH DIVISION

Queen's Bench chambers business.—The Hon. Mr. Justice Plowman will sit for the disposal of Queen's Bench business in Queen's Bench Court II, at 10.30 o'clock on Tuesdays, 5th, 12th, 19th and 26th September.

PROBATE, DIVORCE AND ADMIRALTY DIVISION

Summonses will be heard by the registrar at the Probate and Divorce Registry, Somerset House, every day during the vacation (Saturdays excepted).

The Hon. Mr. Justice Plowman will sit for the disposal of Probate and Divorce business in Queen's Bench Court II, at 10.30 o'clock on Thursdays, 7th, 14th, 21st and 28th September.

Motions and judges' summonses may be entered by leave of a registrar on or before 2 o'clock on the Thursday of each week for hearing on the following Thursday.

Papers for motions may be lodged at any time before 2 o'clock on the preceding Thursday.

The offices of the Probate and Divorce Registries will be opened at 10 a.m. and closed at 4 p.m. except Saturdays.

Urgent matters when the judge is not present in court or chambers.—When the judge is not present in court or chambers, application may be made if necessary, but only *in cases of real urgency*, to the judge personally. The address of the judge must first be obtained at Room 136, Royal Courts of Justice, and telephonic communication to the judge is not to be made except after reference to the officer on duty at Room 136. Application may also be made by prepaid letter, accompanied by the brief of counsel, office copies of affidavits in support of the application and a minute on a separate sheet of paper signed by counsel, of the order he may consider the applicant entitled to, and also an envelope, sufficiently stamped, capable of receiving the papers, addressed as follows: "Chancery Official Letter: To the Registrar in Vacation, Chancery Registrars' Chambers, Royal Courts of Justice, London, W.C.2."

August, 1961.

Honours and Appointments

Mr. MYLES JOHN ABBOTT has been appointed Chief Justice, Bermuda. He was admitted as a solicitor in 1929 and appointed assistant crown solicitor, Hong Kong, in 1936. In 1940 he was called to the Bar (Gray's Inn) and in 1941 he was appointed crown counsel, Hong Kong. Mr. Abbott was seconded to the Ethiopian Government as president of the High Court in 1946, appointed puisne judge of the Supreme Court of Nigeria in 1950 and a judge in the High Court of Lagos in 1955.

Personal Notes

The Honourable A. J. P. F. ACLAND-HOOD retired from the judge advocate general's office on 11th August, 1961. The Lord Chancellor has appointed Mr. C. E. DEPINNA to be an assistant judge advocate general and Mr. G. L. CHAPMAN to be a deputy judge advocate with effect from 14th August.

Mr. ERNEST EDWARD HARGREAVES, retiring clerk to Hanley County Court, was presented with a silver salver and a cheque by Mr. J. S. Marshall, president of the North Staffordshire Law Society, on 31st July on behalf of solicitors practising in North Staffordshire.

Wills and Bequests

Mr. ISAAC FOOT, of Callington, Cornwall, solicitor, of Plymouth, former Member of Parliament for Bodmin, left £28,528 net. He left £250 to the Cromwell Association; his picture called "The Preacher," by Stanhope, to the trustees of the Plymouth Methodist Central Hall; £200 to Plymouth Education Authority for continuation of the annual gift of the Isaac Foot English Literature prize of £1 to each of the five secondary schools of Plymouth; and £200 to the trustees of the West End Methodist Chapel, Callington.

PRINCIPAL ARTICLES APPEARING IN VOL. 105

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For list of articles published up to and including 30th June, see Index to Pt. 1 of Vol. 105

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Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2, And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

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Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Kidderminster, Droitwich, Worcester.—G. HERBERT BANKS, 28 Worcester Street, Kidderminster. Tels. 2911/2 and 4210. The Estate Office, Droitwich. Tels. 2084/5. 3 Shaw Street, Worcester. Tels. 27785/6.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I. Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 3399/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyors, 132 Albion Street, Leeds, 1. Tel. 30171.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

Classified Advertisements

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
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APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
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Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

LONDON COUNTY COUNCIL

LEGAL AND PARLIAMENTARY DEPARTMENT

Applications invited for—

(1) ASSISTANT SOLICITORS (previous local government service not essential). £990–£1,250 according to qualifications and experience. June finalists may apply. Clear run to £1,500 for capable man or woman, with good prospects of further promotion to posts in excess of £2,000.

(2) LAW CLERKS. Men and women under 40 on 11th September, 1961, with several years' practical experience required. Up to £1,250 according to ability and experience. Promotion open to higher posts.

Permanent and pensionable. For particulars and forms, returnable by 11th September, 1961, write Solicitor (S/S/2320/8), County Hall, S.E.1, stating post to be applied for.

WYCOMBE RURAL DISTRICT COUNCIL

JUNIOR LEGAL ASSISTANT

Applications are invited for the appointment of Junior Legal Assistant in the Clerk and Solicitor's Department at a salary in accordance with Grade A.P.T. II, £815–£960, commencing at a point commensurate with experience and ability. N.J.C. Conditions of Service will apply and a five-day working week is in operation.

Applicants must have had experience in a legal office, including conveyancing and mortgages, and will work under the supervision of the Senior Legal Assistant.

The appointment offers an excellent opportunity for an applicant to gain experience in other branches of the Clerk's Department and there may be prospects of advancement in due course should the selected applicant show appropriate initiative.

The Council will assist in providing housing accommodation if required.

Applications, stating age, qualifications, experience and the names and addresses of two referees, should be sent to reach the undersigned not later than first post on Monday, 4th September, 1961.

L. C. RYSDALE,
Clerk of the Council.

17 High Street,
High Wycombe,
Bucks.

KENT COUNTY COUNCIL

APPOINTMENT OF ASSISTANT SOLICITOR

Applications are invited for the above-mentioned appointment, the duties of which will be in connection with prosecutions, advocacy and general legal work. Salary range A.P.T. III/V (£960–£1,480). Commencing salary according to age, qualifications and experience. Applications, with the names of two referees, should reach the undersigned by the 1st September, 1961.

G. T. HECKELS,
Clerk of the County Council.

County Hall,
Maidstone,
Kent.

BOROUGH OF HENDON

ASSISTANT SOLICITOR

Applications are invited for the above mentioned post which is on Grade B of the lettered grades (salary £1,475 to £1,670 per annum).

Applicants must be experienced in Local Government and in conveyancing; experience in Advocacy and/or Town Planning will be an advantage.

The appointment is subject to the Conditions of Service laid down by the Joint Negotiating Committee for Chief Officers of Local Authorities, in respect of the lettered grades, to the Local Government Superannuation Acts and to the passing of a medical examination.

Applications, stating age, qualifications, details of education and experience, date of admission and full details of present appointment, and giving the names and addresses of three referees must be delivered to the undersigned by 8th September, 1961.

Canvassing will disqualify.

R. H. WILLIAMS,
Town Clerk.

Town Hall,
Hendon, N.W.4.

BOROUGH OF SCUNTHORPE

POPULATION 67,257. DELEGATED EDUCATION, HEALTH AND PLANNING POWERS

APPOINTMENT OF ASSISTANT SOLICITOR

Applications are invited for the above appointment at a salary within Grades A.P.T.V./A. (£1,310–£5,565), the commencing salary to be fixed according to experience and qualifications. Housing accommodation will be provided if required and reasonable removal expenses paid. Five-day week.

Application forms and further information concerning the above appointment may be obtained from T. M. Lister, Esq., LL.B., Town Clerk, 34 High Street, Scunthorpe, Lincs. (Tel.: Scunthorpe 2920).

Last date for receipt of completed forms 8th September, 1961.

CITY OF SALFORD

ASSISTANT SOLICITOR

Assistant Solicitor required. Salary scale £1,410 to £1,670. Commencing salary according to qualifications and experience.

Municipal experience desirable but not essential. Must be good advocate. Housing accommodation may be provided if required.

Applications, with the names of two referees, to The Town Clerk, Town Hall, Salford, 3, not later than 9th September, 1961.

CITY OF SALFORD

CONVEYANCING CLERK

Applications are invited for the position of Conveyancing Clerk (Unadmitted). Previous municipal experience is not essential. Salary according to experience and qualifications within the scale £960 to £1,310.

The appointment is superannuable and subject to a satisfactory medical examination. Housing accommodation may be provided if required.

Applications, with the names of two referees, to The Town Clerk, Town Hall, Salford, 3, not later than 9th September, 1961.

GOVERNMENT OF TANGANYIKA

VACANCY FOR LOCAL GOVERNMENT ADVISER

Applications are invited from Solicitors and Barristers (male candidates only) for appointment as Local Government Adviser, Ministry of Local Government in Tanganyika.

Terms of Appointment: On Contract for one tour of 21–27 months, in the first instance, with gratuity of 25 per cent. total salary payable on satisfactory completion of contract.

Emoluments at the rate of £3,125 p.a. (inclusive) i.e. £2,070 p.a. plus overseas addition of £1,055.

Qualifications: Barrister or Solicitor with at least three years' professional experience since Call/Admission, with wide knowledge of local government law and practice on the United Kingdom pattern preferably in both urban an small rural authorities. Previous experience with a Local Authority essential. No age limit but preferably under 53.

Further particulars and application form from Director of Recruitment, Department of Technical Co-operation, Carlton House Terrace, London, S.W.1, quoting BCD 94/8/03/N2. Applicants should state full name and give brief particulars including age and dates of qualification and of Call/Admission.

BOROUGH OF WATFORD

ASSISTANT SOLICITOR

Applications are invited for the above appointment on Grade A (within range £1,415–£1,565). Post offers wide experience, especially of property acquisition, management and development. Five-day week. Housing accommodation considered. Applications with names and addresses of two referees should reach me by 6th September, 1961.

GORDON H. HALL,
Town Clerk.

Town Hall,
Watford.

NEW SCOTLAND YARD

PROSECUTING SOLICITORS on permanent staff of Solicitor's Department. Age 24–40. Starting salary £1,150 at age 24 to £1,703 at age 35 (or over). Scale maximum £1,937. Non-contributory pension. Good prospects of promotion. No previous experience required of criminal prosecutions. Particulars from Secretary, Room 165 (LA), New Scotland Yard, S.W.1.

APPOINTMENTS VACANT

BOOK-KEEPER/CASHIER to assist chief cashier of large City practice. Salary £750 upwards according to ability and experience in accountancy; trust, probate or costs experience not necessary. Future prospects. Modern offices. 5-day week and 3 weeks' annual holiday. Pension scheme.—Box 7992, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS in Baker Street.—Articled Clerk required. Busy practice. No premium. Salary by arrangement.—Box 7993, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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★ Classified Advertisements ★

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APPOINTMENTS VACANT—*continued*

YORKSHIRE Solicitors require Assistant mainly Conveyancing and Probate, some Advocacy and Litigation. Generous salary for industrious applicant. Apply Box 7989, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor wanted primarily for common law and court work in general practice by solicitors in Newport Mon.—Box 7990, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

A LEADING Insurance Company has a vacancy in its Head Office in London for male clerk aged 19/22 in the Mortgage Section of its Property Department. The appointment is an interesting one and although experience with, say, a Building Society would be helpful, it is not essential. Attractive Staff conditions. Initial salary dependant on age and experience. Box 7991, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR

I.C.T require a Solicitor as a Conveyancer in their Legal Department in Park Lane. This is a responsible post and applicants should, therefore, have had at least five years' experience of conveyancing since admission. I.C.T is a rapidly expanding company which offers good prospects to new staff. Write, giving full details of career to date, to: The Manager, Personnel and Training Division, International Computers and Tabulators Limited, 149 Park Lane, London, W.1, quoting reference LD/S on letter and envelope.

EAST BERKS.—Assistant solicitor required to deal mainly with litigation in a busy and expanding practice; it is suggested that this post will be a good opportunity for a recently qualified solicitor, who will have an excellent opportunity for acquiring general experience. We think that a fair and reasonable salary is offered for this post.—Box 7930, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LEGAL Assistant (unadmitted) wanted in busy local government office. Excellent varied experience offered with articles to suitable candidate, if desired. Salary within the range £815–£960 per annum. Five-day week. Housing provided for married man, if required.—Apply Town Clerk, Darlington, with full particulars, by 9th September, 1961.

SOLICITOR required for a Commercial concern near Cardiff. Starting salary at least £1,300 per annum. Write giving details of experience.—Box 7994, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SHEFFIELD.—Two partners in busy family practice have vacancy for a solicitor with some experience; conveyancing, probate and general work, no advocacy; generous remuneration and good future prospects with a view to salaried partnership after short trial period; applicants of all ages considered.—Box 7979, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required to develop and control legal department, as part of multiple company's organisation. Sound knowledge of County Court and Hire Purchase procedure essential, together with practical business ability. Minimum basis of remuneration £1,500 p.a. with considerable scope. Pension Scheme in operation.—Apply Box 7962, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BAHAMAS.—Solicitor, 25–35, required by firm in Nassau (general practice) on 3½ years' contract: commencing salary £3,000 per annum.—Apply Box 7998, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LAUNCESTON, TASMANIA

Solicitors, Launceston, Tasmania, require young LAW CLERK with some experience in conveyancing, probate and costs. Salary £1,200 per annum, three or five-year contract. Cost of passage £10.—Box 7999, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

GLOS./MON. Border town.—Sole practitioner requires assistant solicitor; probate and conveyancing essential but all-round ability preferred; some advocacy or willingness to take up; partnership after reasonable period to conscientious worker; capital not essential.—Box 7980, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SECRETARY/Shorthand-Typist required by Solicitor i/c Company Legal Department. Primarily conveyancing, some litigation. Previous legal experience essential. 5-day week. Near Vauxhall Bridge. Telephone Staff Manager, VIC 7814.

SOMERSET.—Probate Managing Clerk required for general practice in delightful country town; suit man wishing to leave town for country, or young man willing to accept responsibility. Housing accommodation available.—Box 7983, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

INDUSTRIAL Group, Headquarters Birmingham, has vacancy for Solicitor in Secretarial Department. Position would suit recently-qualified Solicitor desirous of making a career in industry. Conveyancing experience desirable. State age, experience, qualifications, present salary, and when available to Box 7984, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk (unadmitted) preferably aged 30–35, required by Legal Department of The Agricultural Mortgage Corporation Limited. Pension scheme.—Please apply by letter marked "Private" to Mr. H. W. Osborne, Bucklersbury House, 83 Cannon Street, London, E.C.4, with particulars of age, experience and salary required.

NEWCASTLE Insurance Company has opening suitable for Common Law Clerk in connection with the investigation of Employers Liability and Public Liability claims. Excellent prospects for a young man aged about 25/30. An interesting and progressive post with good salary and non-contributory pension scheme. Write giving full details to Box 7987, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

JUNIOR Assistant Solicitor required by Portsmouth Solicitors.—Box 7973, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LITIGATION Managing Clerk required by long-established West End firm to cope with expansion. Prospects for admitted applicant for full partnership without payment. Would consider free articles to unadmitted applicant with sufficient ambition with same end in view. Salary in neighbourhood of £1,250 to commence.—Box 7963, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE Managing Clerk (unadmitted) required by West End firm to commence separate Department to handle increased volume of work. Excellent opportunity for ambitious young man with sufficient experience. Knowledge of Company work an advantage. Salary commensurate.—Write Box 7964, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH-EAST London Solicitors in general practice with considerable County Court work have vacancy for Assistant Solicitor willing to undertake advocacy. Good prospects for young man or woman. 5-day week. Salary according to age and experience. Write with details. Box 7967, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Manager required by well-established West End firm. Suit admitted man with necessary qualifications and experience with view to ultimate full partnership without payment. Unadmitted man should also apply especially young man with aspirations for free articles and admission. Good prospects for keen and ambitious applicant. Commencing salary £1,250 or according to services offered.—Box 7965, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

READING Solicitors require (*a*) Young Assistant Solicitor. Some prospects of future partnership. (*b*) Conveyancing Clerk. (*c*) Litigation Clerk. (*d*) Articled Clerk. No premium. Salary. State experience and salary required.—Box 7970, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

W.R. YORKS.—Assistant Solicitor with some experience in litigation and advocacy required by old-established practice (mainly Conveyancing and Probate) Salary by arrangement. Partnership prospects later.—Box 7966, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MID-SUSSEX Solicitors with busy Conveyancing and General Practice in rapidly expanding town require services of young Solicitor with all-round experience, ability and initiative. Newly qualified man considered. Ultimate partnership prospects. Salary up to £1,000 according to age and experience.—Box 7969, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRISTOL solicitors require experienced conveyancing managing clerk used to undertaking substantial transactions; salary by arrangement according to experience; pension scheme available.—Box 7942, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PERSONABLE and energetic Solicitor required to take control of an old-established and active office in a pleasant town in West Hertfordshire about 30 miles from London. Applicant should be at least 28 years of age and would commence at a salary of £1,500 per annum or according to experience. Good prospects of partnership.—Box 7943, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Solicitors require Assistant Solicitor for expanding practice, mainly conveyancing and probate, with opportunities for litigation and advocacy. Partnership prospects. Commencing salary not less than £900 or according to length of experience.—Box 7935, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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★ Classified Advertisements ★

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APPOINTMENTS WANTED

WILL Solicitors needing assistance consider engaging former member of profession with view helping him rehabilitate himself. Very experienced in Common Law and litigation matters. Loyal service in return for opportunity.—Box 7995, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, 33, LL.B. Hons., wide experience litigation, common law, commercial, divorce, advocacy, seeks partnership; no capital.—Box 8000, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, admitted 1958, requires conveyancing post with some supervision in London or suburbs; large firm preferred.—Box 8001, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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SOLICITOR Partnership available conveyancing practice, pleasant country town South Midlands. £3,000 will purchase guaranteed minimum share of £1,500 per annum after probationary period.—Box 7996, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MERSEYSIDE.—Flourishing practice for sale; mainly conveyancing but ample scope for expansion; some capital required but would consider balance on instalments if safeguarded; would suit ambitious young solicitor given some experience.—Box 7997, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRACTICE for sale in Wales.—Box 7949, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

FOR SALE.—Medium-sized varied practice, in S.E. London. Would suit solicitor of good all-round capability or large firm seeking remunerative branch office.—Box 7985, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

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ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No. : MAYfair 2424. Est. 1796.

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CARRINGTON & CO., LTD., offer to buy Jewellery, Silver and Gold items, both modern and antique. Highest prices given. Representative sent if requested. Valuations for probate, insurance, etc.—130 Regent Street, London, W.1. Tel. REG 3727.

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DAVIS OF PORT STREET, PICCADILLY, MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special concession and credit facilities to members of the legal profession. Write to us for whatever you want—we can supply. No other introduction required. Tel.: CEN 0638.

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★ Classified Advertisements ★

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TYPING, ETC.

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OLD DEEDS.—Good prices given for old parchment deeds; any quantity accepted, large or small.—Please send full details to H. Band & Co., Ltd., Brent Way, High Street, Brentford, Middlesex.

In the Matter of the

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